Garland, William B., Jr., O5411191.
Johns, William C., O5701726.
Kisel, John G., O2292507.
Lewin, Mark H., O2297965.
Pannell, Robert F., O5400483.
Poksay, Robert A., O2295574.
Sande, Sigvart, O2287999.
Thornburg, La Monte F., O5700008.

To be first lieutenants, Veterinary Corps

Flowers, Herschel H., O4043890.
Hildebrant, Paul K., O4048537.

To be first lieutenant, Women's Army Corps

Murray, Haraldean, L2300412.

To be second lieutenant, Army Nurse Corps

Reinpold, Rita R., N5407284.

To be second lieutenants, Medical Service Corps

Brown, Wallace J., O5307697.
Coleman, Jerry B., O2299874.
Constable, Joseph F., O5212339.
Donley, Kenneth G., W2207985.
Elsarelli, Leon E., O5209295.
Greenhalgh, Donald L., O5700839.
Hahn, Ruediger, O2299402.
Holzer, Donald B.
Hoxsey, George E., O5705938.
Huff, William H., III, O2298448.
Judy, Richard B., O5408204.
Ketelsen, Keith D.
Longley, Karl E., O2302236.
McKee, Terry L., O2303989.
O'Barr, Billy J.
Peacock, James L., O2298352.
Sandleback, Eugene J., O2298294.
Schafer, Thomas E., O5410603.
Severson, Joel S., O5512109.
Shelton, Edward J., O5410576.
Sobocinski, Philip Z., O2297443.
Walker, James O., Jr., O5410659.
Weidner, Douglass S., O2302261.

To be second lieutenants, Women's Army Corps

Slater, Suzanne, L2298114.
Snell, Diane L., L5302029.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade and corps specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

To be second lieutenants, Medical Service Corps

Fulghum, Joe R., Jr.
Kirkpatrick, Harold C., O5412457
McAllister, Hugh A., Jr.
Perkins, Jacob H.
Phillips, Robert E., Jr.
Rich, William J.
Wills, Alton G.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Allen, John R.
Anderson, Robert S.
Avery, James W.
Bartholomew, Alanson D., II
Beadle, Norman L., O5412639
Bond, Richard R.
Boyd, Richard F.
Cartlich, George L., III
Christopher, George L.
Cook, Ronal B.
Culpepper, George V.
Damewood, John H.
Decker, David J.
Elan, John N.
Halbritter, Frederick P.
Hawley, Gary D.
Hersey, Donald L.
Hood, Brian C.
Hughes, William G.
Johnson, Thomas G.
Kelley, Edward M.
Killgrove, Albert G.
LaRue, Lowell G.
Maksimowski, Richard J.
Markiewicz, Joseph
Mitchell, David G.
Napier, Joseph S.
Newman, Neil E., O5412449
Patete, Frank M., O5515258
Quick, James B.
Rusk, James E.
Ryan, William E.
Sharkis, Alan
Sims, Larry P.
Solymosy, Edmond S.
Steele, Harry W.
Stump, Charles H.
Turpin, William P., IV
Winter, Norman E., O5515143
Yeargan, Randall L.

(NOTE.—All of these officers (with the exception of Melvin J. Grones and Joseph Markiewicz) were appointed during the last recess of the Senate.)

DIPLOMATIC AND FOREIGN SERVICE

Ellis O. Briggs, of Maine, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, vice Anthony J. Drexel Biddle, deceased.

John M. Cabot, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Robert McClintock, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 15, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 11: 3: *If the foundations be destroyed, what can the righteous do?*

Eternal God, who art the refuge and shelter of the righteous, help us to understand more clearly that our Nation has no firm foundation upon which to build and no bulwark against defeat and downfall unless we enlarge our faith in Thee and in spiritual values.

May the security and survival of the noblest way of life for which we are eagerly working and earnestly praying find their inspiration in the assurance of Thy divine wisdom and power, Thy mercy and loving kindness.

Grant that daily we may yield ourselves to the sovereign and beneficent will of our blessed Lord whose strength is invincible and whose spirit will keep us calm and courageous in days of darkness.

To Thy name we ascribe the praise and glory. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, January 11, 1962, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed the following resolutions:

S. RES. 239

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Louis C. Rabaut, late a Representative from the State of Michigan.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

S. RES. 240

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable John J. Riley, late a Representative from the State of South Carolina.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

S. RES. 241

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Sam Rayburn, late Speaker of the House of Representatives of the Seventy-sixth through the Seventy-ninth, Eighty-first and Eighty-second, and Eighty-fourth through the first session of the Eighty-seventh Congress.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that under authority of Public Law 719, approved September 7, 1960, the Vice President had appointed Edward Fenner, of Illinois, a member of the U.S. Citizens Commission on NATO in place of William F. Knowland, of California, resigned.

BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 U.S.C. 42, 43, the Chair appoints as a member of the Board of Regents of the Smithsonian Institution the gentleman from Ohio [Mr. KIRWAN] to fill the existing vacancy thereon.

MUSEUM OF HISTORY AND TECHNOLOGY FOR SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of section 4, Public Law 106, 84th Congress, the Chair appoints as a member of the Joint Congressional Committee on Construction of a Building for a Museum of History and Technology for the Smithsonian Institution the gentleman from Ohio [Mr. KIRWAN] to fill the existing vacancy thereon.

DISPENSING WITH CALL OF CONSENT AND PRIVATE CALENDARS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar today be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I make the same request with respect to the call of the Private Calendar tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

APPOINTMENT OF DEMOCRATIC WHIP

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time—and it is with great pleasure that I do so—to advise the House officially that the great American and distinguished gentleman from Louisiana [Mr. BOGGS] will serve as Democratic whip of the House.

BILL TO PERMIT DEDUCTIONS FROM INCOME TAX OBLIGATIONS FOR UNITED NATIONS CONTRIBUTIONS

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, today, I am introducing a bill that will provide an avenue for U.S. citizens to express their endorsement of the United Nations not only by words but also in a very tangible and meaningful way.

My measure will permit American taxpayers to deduct from their individual income taxes any contributions to the United Nations and its specialized agencies such as UNESCO.

The measure will enable supporters of the U.N. to wish the organization well at a time when crucial financial and moral supports are needed. And it will provide Americans an opportunity to express the view, shared by President Kennedy, that it takes more than arms to keep the peace.

Too long, Mr. Speaker, have the supporters of the U.N. in this country been silent in the face of unreasonable criticisms directed against it by opponents whose views have been given unrepresentative prominence. Some of the critics of the U.N. have narrow, selfish economic interests. And it has been well publicized that a well-financed, lavish campaign against the U.N. on behalf of the so-called Katanga government has been operating in freewheeling style in the United States. And it appears that some of this criticism may be coming from organizations that enjoy tax-exempt status or claim to.

I do not have swollen expectations for the U.N., Mr. Speaker. I do not believe it is an infallible organization. But I insist that the U.N. has richly earned the support of the peoples of the world in its efforts to provide a forum for conciliation of international tensions and conflicts and to assist developing countries with their medical, education, and social problems. Our membership in the United Nations, beginning with the San Francisco Conference in 1945, has been endorsed by a broad range of bipartisan support from the leaders of our two great major political parties. I hope they will join with me in another move to reaffirm our support in an organization that is one of our best hopes for a just peace.

THE LATE HONORABLE JOE STARNES OF ALABAMA

Mr. RAINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RAINS. Mr. Speaker, last week a former Member of the Congress and one of the leading citizens of my district passed away while in Washington on behalf of his home town. I refer to the untimely death of Joe Starnes, of Guntersville, Ala., a Member of the House of Representatives from the 74th through the 78th Congresses.

Mr. Starnes died of a heart attack while appearing before the Interstate Commerce Commission as a representative of the city of Guntersville.

As a Member of the House he served on the Appropriations Committee and on the Un-American Activities Committee. During World War II he served as a colonel in the infantry in the European Theater and he also served with the Army of Occupation until his discharge in February 1946. He resumed the practice of law in Guntersville and was well known for many public services over the State.

Mrs. Rains and I extend our deepest sympathy to his wife and his two sons, Joe, Jr., and Paul, and I am sure that many Members of the House will be saddened by his passing.

I include an editorial from the Sand Mountain Reporter, also a news story from the same newspaper:

JOE STARNES

Our area has suffered a great loss in the death of Joe Starnes, one of Marshall County's most active and productive citizens.

Starnes first distinguished himself as our Representative in Congress. Since he left Congress, he had devoted much of his time, talent, and energy to church, civic, and community endeavors.

In recent years, he served as State commander of the American Legion, then as president of Civitan International. It was during his busy work as head of Civitan International that he was stricken with his first heart attack. Though doctors ordered him to give up most of his community service and church activities, he found it difficult to give up this service to his fellow man, and indeed continued to do more than he should have for his own good.

Though his death leaves our area with a great void, the fruits of his labors will continue to be a monument to this good citizen.

IN WASHINGTON—EX-CONGRESSMAN JOE STARNES SUFFERS FATAL HEART ATTACK

Former Congressman Joe Starnes, Sr., collapsed and died in Washington Tuesday.

The 66-year-old Guntersville attorney was representing his hometown in a hearing before the Interstate Commerce Commission when he was stricken.

A doctor said his death was caused by coronary thrombosis. Starnes had suffered a severe heart attack 2 years ago, and a second attack last year.

W. D. Newman, of Guntersville, was in Washington yesterday to make arrangements for bringing the body back to Guntersville.

Funeral arrangements will be announced by the family in Guntersville, probably sometime today.

Starnes is survived by his wife and two sons, Joe, Jr., of Guntersville, and Paul, of Elijay, Ga.; one brother, Hardin, of Guntersville; and two sisters, Mrs. John Siebold, of Guntersville, and Mrs. G. D. Wells, of Albertville.

A member of one of Marshall County's most prominent families, Starnes was born and reared in the Claysville community near Guntersville.

He attended high school in Guntersville, served overseas during World War I, then returned to get his law degree at the University of Alabama.

After graduating from the university, he set up a law office in Guntersville which he continued since that time. In recent years a son, Joe, Jr., has been his law partner there.

On April 10, 1918, he was married to the former Della Whittaker of the Cottonville community.

Later he taught school in Marshall County for 4 years.

Starnes was elected to Congress in 1935, and served for 10 years as the Representative for this district. During this time he was very active in setting up the TVA system, and a number of other national programs.

He served again in the oversea Army during World War II, and continued in the National Guard until his retirement as a colonel a few years ago.

Starnes was prominently identified with his work in a large number of religious, civic, and service organizations.

He served as State commander of the American Legion, and 2 years ago as president of Civitan International. It was during his term as Civitan president that he was stricken with a severe heart attack, and doctors ordered him to cut back on some of his extra activities.

A longtime member of the Guntersville First Methodist Church, Starnes had served for many years on the official board and as a Sunday school teacher. For a number of years he was an associate district lay leader.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Speaker, the untimely passing of an old and steadfast friend causes acute grief, but when a great and good man goes, bereavement is softened when we can recollect that his passage through this life blessed those around him.

Such a great and good man was my old and cherished friend, Joe Starnes, who served as a Representative here from 1935 through 1944. His was a life that many could envy and emulate. It was a career of vigor, activity and enterprise, arduous and demanding, but al-

ways in the service of the people of his community, Alabama, and the Nation. He died while appearing before an Interstate Commerce Commission hearing, pleading for what he was convinced was worthy objective. His death was characteristic of his life.

Joe Starnes was born of a fine, old Marshall County family in Guntersville, Ala., on March 31, 1895. Endowed with all the attributes of a scholar, it is significant of his gifts, that he was chosen to teach elementary school, when he was only 17 years of age. When he was 22, he left the classroom to enlist in the 53d Infantry, 6th Division. He served with distinction overseas and left the service at the war's termination, with the rank of lieutenant and was decorated with the Silver Star.

A war veteran, he entered the University of Alabama Law School and was graduated in 1921. He was admitted to the bar that year and established a law practice in Guntersville.

Actively interested in national defense he was a member of the 167th Infantry, Alabama National Guard since 1923 and attained the rank of colonel. His interests in fostering better education never flagged.

He worked unremittingly for better schools and was known statewide as a champion of the teaching profession. He became a member of the Alabama State Board of Education in 1933 and was vice chairman since 1948. He was elected to the House for four successive terms.

At the outbreak of World War II, he served as a colonel of Infantry in Europe and in the Army of Occupation from 1945 until 1946. He returned to Guntersville and resumed his law practice.

It has been said that it requires no great magic to recall great men to life. One only has to recall what their lives meant to their fellowmen. Joe Starnes left an indelible stamp on the progress of education, the law and community progress during very trying decades of this century. In the Congress and outside it he fought vigorously for our national defense.

We who were privileged to have his friendship will miss Joe Starnes, but we can take comfort in remembering how many gained from a life well spent in service.

ANNUAL REPORT OF THE U.S. CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 263)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed with illustrations:

To the Congress of the United States:

I transmit herewith the annual report of the U.S. Civil Service Commission for the fiscal year ended June 30, 1961.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 15, 1962.*

PROPOSAL TO RESTRICT PRINTING OF CERTAIN EXTRANEOUS MATTER IN THE CONGRESSIONAL RECORD

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I take this opportunity to announce that I intend to press for consideration of the bill, H.R. 1173, which I introduced at the beginning of the last session which would amend the law to regulate and restrict the printing of certain extraneous matter in the CONGRESSIONAL RECORD and limit the number of insertions of extraneous matter in the Appendix of the daily CONGRESSIONAL RECORD.

I might say over the past few years, I have made a rather comprehensive study of abuses that have grown up in the use of the CONGRESSIONAL RECORD, particularly as to the insertion in the body of the RECORD of irrelevant and extraneous matter that certainly should go in the Appendix of the daily RECORD. I think by looking at the first two issues of the CONGRESSIONAL RECORD of this session, most people will agree that we need some ground rules to determine how we shall use the privilege we have of expressing not only our own thoughts but the thoughts of others through the use of the CONGRESSIONAL RECORD. I am hopeful that I will have the support of other Members in trying to make the RECORD reflect a true record of the proceedings of the House of Representatives.

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, as the gentleman from Missouri [Mr. JONES] knows, I, too, introduced last year a bill having to do with reducing the mass of extraneous material which appears in the CONGRESSIONAL RECORD. I want him to know that I have no pride of authorship. I fully support his bill and will do everything in my power to see that it becomes law.

I congratulate him on his interest in this subject.

UNITED NATIONS BONDS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, the President has made it known that he will ask Congress for authority to purchase $100 million in United Nations bonds.

This is incredible.

Why should the taxpayers of this country be required to pay for the derelictions of the Soviet bloc and certain other nations? How much longer do the leaders of this Government propose to submit American citizens to blackmail by paying for the international delinquency of Russia, Cuba, and other nations?

For 16 years the United States has been paying for more than its share to keep the U.N. in business; now let the other members pay up the millions they owe before we invest a single dollar in a phony bond issue.

I have introduced a joint resolution—House Joint Resolution 595—to prohibit the purchase of any U.N. bonds by the United States until such time as all member nations have paid in full their share of the expenses of the organization, including the expenses of United Nations operations in the Congo and the Gaza strip.

I would urge those of you who feel as I do about this vital matter to introduce similar joint resolutions.

THE LATE HONORABLE DON GINGERY

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, shortly after the adjournment of the 1st session of the 87th Congress my predecessor in Congress from Pennsylvania, the Honorable Don Gingery of Clearfield, Pa., died after a brief illness.

I know that Members of Congress join me in expressing sympathy to Mrs. Gingery and the children.

Mr. Gingery who served two terms in Congress was elected to the 74th Congress in 1934. He was reelected in 1936 to the 75th Congress. During his congressional career, Mr. Gingery served on important committees and was recognized in Pennsylvania as being among the most prominent Democrats in the Keystone State.

The following account of the death of former Congressman Gingery appeared in the October 16, 1961, issue of the Clearfield (Pa.) Progress and outlines his public service at the State and National levels:

DON GINGERY, 77, LONG PROMINENT IN POLITICS, DIES

Don Gingery, former Member of Congress and for some 50 years prominent in Democratic Party affairs, died Sunday afternoon in the Clearfield Hospital. He was 77.

A native of Clearfield, Mr. Gingery was elected to Congress in 1934 from the then 23d Congressional District, defeating the incumbent John Banks Kurtz by the largest majority accorded a Democratic candidate in any election. He was reelected in 1936, the only Democrat ever to serve the congressional district more than one term.

Congressman Gingery took pride in being a New Deal Democrat, and in office or out

was a stanch supporter of the late President Franklin D. Roosevelt. While in Congress he worked unceasingly to obtain the maximum in public works projects for his district, then hard hit by the midthirties depression. He served on several important House committees and advocated U.S. military buildup in pre-World War II days. During his second term he headed a congressional committee tour of the Philippines, visiting Hawaii and Japan en route.

Mr. Gingery's introduction to public life came in 1915 when he was elected to the State legislature as a representative from the First District of Clearfield County.

He later served as a member of the State Democratic executive committee, Democratic Chairman of Clearfield County and as a delegate to Democratic National conventions. As a young man he was a member of the Pennsylvania National Guard, serving as a captain under General Wiley when the Guard was called out in the hard coal disturbances of the early 1900's.

In the 1940's he served as Solid Fuels Administrator for the Federal Government, with headquarters for a large section of western Pennsylvania at Altoona.

Mr. Gingery was a talented violinist and played with many nonprofessional musical groups from time to time.

The son of the late Dorsey J. and Ada (Albert) Gingery, he was married to the former Miss Anna Leavy who survives.

He also leaves two daughters, Mrs. A. A. (Sarah) Walker, Columbus, Ohio, and Mrs. James W. (Mary Louise) Carpenter, Cleveland, Ohio, and two sons, Don E. Gingery, Chevy Chase, Md., and Hugh A. Gingery, Rockville, Md. There are 13 grandchildren. In addition to his parents, a sister, Mrs. Lena Rhea, preceded him in death.

Mr. Gingery was a member of Trinity Methodist Church and of B.P.O. Elks No. 540 of Clearfield.

Funeral services will be held from the Fred B. Leavy Funeral Home Wednesday morning at 11 o'clock with the Revs. H. W. Glassco, D.D., and W. W. Banks officiating. Burial will be in Hillcrest Cemetery.

Friends will be received at the funeral home tonight from 7 to 9 o'clock; Tuesday from 3 to 5 and 7 to 9 p.m. and until the hour of service Wednesday.

TELECASTING AND BROADCASTING OF COMMITTEE HEARINGS

Mr. MEADER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, I have taken this time to announce to the House that in the special order just granted for tomorrow I intend to discuss the rules of the House with respect to the power of committees to permit telecasting and broadcasting of their public hearings.

This subject has been one of some controversy over the past decade, and now that we have a new occupant of the chair I hope that early in this session he will have an occasion to express his views and rule on this very important subject. I hope all Members who may be interested in this subject will participate in the discussion tomorrow.

NONE IS SO BLIND AS HE WHO WILL NOT SEE

Mr. UTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, on the opening day of the 2d session of the 87th Congress, I introduced H.R. 9567, a bill to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof and to repeal the Immunities Act relative thereto.

I introduced this resolution because it is my firm conviction that this Nation cannot survive as a Republic as long as we are shackled to an international organization by a treaty which supersedes our Constitution. As stated in the Declaration of Independence:

> When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

So in this resolution that same decent respect to the opinions of mankind requires that I state the causes which impel me to seek this separation.

To prove my point, I submit the following facts for a candid review. Our Constitution provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Hence, any law enacted by Congress pursuant to a treaty becomes the supreme law of the land even though it would otherwise be unconstitutional.

The supremacy of laws under a treaty was clearly set forth in the decision of the U.S. Supreme Court in 1920 in the Missouri versus Holland case wherein a Federal law, otherwise unconstitutional, was held valid because of a treaty between Canada and the United States. This decision clearly held that where there was a conflict between the provisions of our Constitution and the provisions of a treaty, this conflict must be resolved in favor of the treaty. This same doctrine has been extended to include executive agreements. The result of this situation has been to destroy our limited form of republican government and has denied to each State a republican form of government as guaranteed by the Constitution and has supplanted it with a government of unlimited powers which destroys the historical separation of executive, judicial, and legislative branches of our Government. This was certainly never envisioned by the framers of the Constitution.

When the United Nations Charter was submitted to the Senate for ratification, great stress was laid upon article 2, subparagraph 7, which states:

> Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter.

I do not believe that the U.S. Senate would have ratified this treaty without relying on the above-quoted paragraph. However, this paragraph has been completely and constantly ignored over the past 16 years and every organization, commission, and covenant flowing out of the United Nations Charter has been for the sole purpose of intervening in matters which are essentially within the domestic jurisdiction of the member nations as well as the several States of our own Union, completely destroying the sovereignty of each State to legislate in contravention of the treaty provisions. Mr. Moses Moskowitz, a noted internationalist, made the following statement in the American Bar Association Journal of April 1949 (35 A.B.A.J. 283, 285):

> Once a matter has become, in one way or another, the subject of regulation by the United Nations, be it by resolution of the General Assembly or by convention between member states at the instance of the United Nations, that subject ceases to be a matter being "essentially within the domestic jurisdiction of the member states." As a matter of fact, such a position represents the official view of the United Nations, as well as of the member states that have voted in favor of the universal declaration of human rights. Hence, neither the declaration nor the projected covenant, nor any agreement that may be reached in the future on the machinery of implementation of human rights, can in any way be considered as violative of the letter or spirit of article 2 of the charter.

Following this, the Acheson State Department made this official declaration:

> There is now no longer any real difference between domestic and foreign affairs.

These statements plainly render article 2, subparagraph 7, of the charter meaningless.

John Foster Dulles, former Secretary of State, in a speech before the American Bar Association in Louisville, Ky., April 12, 1952, said:

> Treaty law can override the Constitution * * *. They (treaties) can cut across the rights given the people by the constitutional Bill of Rights.

This conversion of our limited republic to an unlimited democracy is a death blow to this Nation.

The realization of this tragedy was the reason for the proposal of the Bricker amendment nearly a decade ago. The Bricker amendment simply provided that when there was a conflict between the Constitution of the United States and a treaty, that conflict must be resolved in favor of the Constitution, and yet the Bricker amendment was defeated by a narrow margin under strong propaganda pressure from the Council on Foreign Relations and politicians who gloried in the unlimited power conveyed

upon them by the United Nations Charter. There were just too many politicians and too few statesmen.

Now let us look at the record. According to Trygve Lie, longtime Secretary General of the United Nations, he stated flatly that there was a secret agreement between Alger Hiss and Molotov to the effect that the head of the United Nations military staff should always be a Communist. That agreement has never been broken, and we have had a succession of Communists filling that post, the present one being Mr. Arkadov. As a first consequence of this treasonous agreement, this country lost its first military engagement in Korea at a cost to this country of more than $20 billion and 145,000 American casualties, to say nothing of the honor and prestige of this Nation.

This was the first war in which we engaged, not as the United States military force, but as a United Nations force, although we contributed 90 percent of the men and the money. How convenient this was to the Communists to have one of their own men as head of the United Nations military staff, who reviewed all orders going from the Pentagon to General MacArthur and gave them to our enemy before General MacArthur received them. The enemy, which consisted of the Red Communist army and Russian equipment and fliers, was driven back to the Yalu River and given sanctuary on the other side. General MacArthur could have destroyed the enemy in short order had he been permitted to pursue them across the river from whence they came. Because General MacArthur could not in good conscience follow these orders, he was recalled and the Korean war ended in dismal defeat.

We were sold the U.N. on a promise of peace, but we failed to realize that this peace was to be on Communist terms; in fact, it was to be a total victory for the international Communist conspiracy. Our faith in this hope was so firm that we were lulled into a state of false security while the Communist world gobbled up 13 or 14 countries. bringing 800 million people under their domination. Russia has used the veto power nearly a hundred times. The United Nations has been completely unable to bring any degree of peace, and Russia itself has created 13 or 14 military conflicts between the East and the West.

The United Nations has not as yet passed a resolution of censorship against Russia for its Hungarian blood bath but rather stood idly by and helped to betray the Hungarian freedom fighters into the hands of Russia. It could not even get a censorship resolution against India for its military invasion of Portuguese enclaves.

Further, Mr. Speaker, what may I ask is the United Nations doing to prevent President Sukarno, of Indonesia, from carrying out his military attack against the island possession of Holland which lies more than a thousand miles away from Indonesia? Is colonialism under Holland a bad thing but colonialism under pro-Communist Indonesia a good thing? I have been unable to get any rationale on this question. In fact, it has passed no resolutions of condemnation against Russia or any of its satellites or against the so-called neutral countries but busies itself with resolutions of condemnation against our allies, such as Portugal, Holland, and France.

The power, the honor, and the prestige of America have fallen from their high point in 1945 to an absolute zero today.

The action in Katanga is nothing short of lunacy. Not a voice was raised in the United Nations when Syria withdrew from the United Arab Republic, but that same organization sent troops into the Congo to prevent self-determination of a civilized and Christian province which did not want to be a part of a Communist-controlled Congo.

Our defeat in the abortive Cuban invasion can be laid on the doorstep of the United Nations, as the United Nations treaty prohibits us from engaging in any military operations without the consent of the United Nations Security Council in which Russia holds the veto power. At this point, Mr. Speaker, may I remind the Members of the House and the people of America that the Cuban situation was not even mentioned in the President's state of the Union message on January 11 although the so-called white paper issued by the Department of State declares that Cuba constitutes a Sino-Soviet bridgehead in the Western Hemisphere and that the military power of Cuba is second only to that of the United States in the Western Hemisphere due, of course, to the millions of dollars of armaments, equipment, and technicians and money furnished by the Communist countries to Fidel Castro. Why, I ask, was not this clear and present danger to the security of our country discussed in the state of the Union message together with a proposal to dispel this danger?

Let me put this in very simple and understandable terms so that no one can misunderstand it. This situation is analogous to having a rattlesnake in the bedroom, and father ignores this danger to his family and starts blithely off on a big game hunt in Africa leaving mama and the children to cope with the rattlesnake in the bedroom.

Mr. Speaker, how silly can we get to relinquish the right to protect our Nation against Communist invasion in the Western Hemisphere? If we continue our membership in this organization, you can look to see this Nation condemned for having our naval base at Guantanamo Bay, Cuba. You can also look to see us condemned for owning the Panama Canal, and the same 66 votes which threw France out of its legal position in Bizerte can vote us out of Guantanamo and out of Panama. You can see, and with reason, Mexico demanding through the United Nations all of that territory taken from them under the Treaty of Guadalupe Hidalgo following the Mexican War in 1848. You can see Russia demanding the return of Alaska because we only paid them $17 million when it is really worth billions and certainly the American Indians, if they had representation in the United Nations, could demand the return of Manhattan Island together with the rest of the land that was legally theirs. You say this is fantastic? You would have said that the present situation in Cuba was a fantastic idea 10 years ago.

You can expect to see a one world government, Communist controlled, under the United Nations. You will see the United Nations run up astronomical debts which we, under the terms of the treaty, are bound to pay.

In a book by William Z. Foster, former head of the Communist Party, U.S.A., entitled "Toward Soviet America," he gives a complete blueprint of the conquest of America by the international Communist conspiracy. It is as clear a blueprint as given by Adolf Hitler in "Mein Kampf." Following are some of the things you may look for under the controlled Communist America as stated by William Z. Foster:

> The final aim of the Communist international is to overthrow world capitalism and replace it by world communism. * * * The Communist Party of the United States * * * is the American section of the Communist international. The Communist international carries out a united revolutionary program on a world scale. * * * The American Soviet government will be organized along the broad lines of the Russian Soviets. * * * Under the dictatorship all the capitalist parties—Republican, Democratic, Progressive, Socialist, etc.—will be liquidated. * * * Likewise, will be dissolved all other organizations—including chambers of commerce, employers' associations, Rotary Clubs, American Legion, YMCA, and such fraternal orders as the Masons, Odd Fellows, Elks, Knights of Columbus, etc.—lawyers will be abolished. The press, the motion pictures, the radio, the theater, will be taken over by the Government * * * Studies will be revolutionized, being cleansed of religious, patriotic and other features of the bourgeois ideology * * * The decisions of the Soviets are enforced by the armed red guard. * * * Citizenship is restricted to those who do useful work, capitalists, landlords, clericals and other nonproducers being disfranchised. * * * In the so-called black belt of the South where the Negroes are in the majority, they will have the fullest right to govern themselves and also such white minorities as may live in this section. * * * Where the party elects its candidates to legislative bodies they make use of these public forums to bring forward the Communist program * * * the trade unions are the great schools for communism. * * * Religion has sanctified every war and every tyrant, no matter how murderous and reactionary. * * * The free American woman, like her Russian sister, will scorn the whole of bourgeois sex hypocrisy and prudery.

Our Declaration of Independence concludes with these words:

> And for the support of this Declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

This is a full and complete acknowledgment of divine guidance. Nowhere in the United Nations Charter or any of its subsidiaries do you find any reference to a Supreme Being. The Bible says:

> Unless the Lord build an house, they labor in vain who build it.

There is, indeed, no evidence of the Lord's work in the United Nations.

I know that I will be accused of being irresponsible and fanatical, but I find myself in good company. The testimony of five of our greatest fighting men, General Clark, General Van Fleet, General Stratemeyer, Admiral Joy, and Lieutenant General Almond, before the Jenner committee in 1954, is summed up in the words of General Stratemeyer:

We were required to lose the Korean war.

Lord Beaverbrook, noted British publisher, said:

Here in New York City, you Americans have the biggest fifth column in the world—the United Nations.

At this point, may I say, Mr. Speaker, that Alger Hiss recommended the first 500 employees for the United Nations.

Then, after that, the late Robert Taft said:

The U.N. has become a trap. Let's go it alone.

Herbert Hoover said:

Unless the U.N. is completely reorganized without the Communist nations in it, we should get out of it.

Winston Churchill said:

Don't pay attention to the U.N.

Charles de Gaulle has warned the U.N. to stay out of Algiers.

Now, Mr. Speaker, let us look at the present management of the United Nations. Russia had been demanding a troika to supplant the U.N. Secretariat after the death of Hammarskjold. The failure of Russia to secure this troika was hailed as a great victory for the West, but was it? U Thant of Burma, a self-styled Marxist, was chosen and he agreed to invite a limited number of U.N. under secretaries "to act as my principal advisers on important questions." So far he has indicated two: Georgy P. Arkadov, a Communist from the Soviet Union, and Ralph Bunche of the United States. This was a Communist victory in that Russia now has its troika: one an avowed Marxist, the second a dedicated Communist, and the third with a pro-Communist bias. A résumé of Dr. Bunche's record, prepared by Archibald B. Roosevelt, son of Theodore Roosevelt, includes this paragraph:

Dr. Bunche was part of the editorial apparatus of an openly Communist magazine, Science and Society, for over 4 years. He contributed to this publication and added his name and prestige as a professor of Howard University even after the Communists in their publication, The Communist, openly stated that Science and Society magazine had as its function "to help Marxward moving students and intellectuals to come closer to Marxism-Leninism; to bring Communist thought into academic circles."

In a Senate probe by the Internal Security Subcommittee it was brought out that Dr. Bunche had repeatedly pressured persons in charge of U.N. employment to hire a notorious Communist agent, in spite of the fact that here was a derogatory report against the individual by a security agency of the Government.

Dr. Bunche was a high official in the Institute of Pacific Relations, an organization investigated thoroughly by the Senate Internal Security Subcommittee and described as follows:

The effective leadership of the IPR used IPR prestige to promote the interests of the Soviet Union in the United States.

The object of this IPR was, in 1944, to force the Chinese Government to adopt reform measures and make concessions to the Chinese Communists which would pave the way for seizure by Soviet forces.

The IPR leadership sought to bring into public discussion at a vital meeting internal conditions in China so that Chiang Kai-shek would be criticized for the internal situation in China.

Dr. Bunche is on record as supporting the position of the IPR leadership in this matter.

It is my considered opinion that Dr. Bunche must be considered a security risk for our country in any position which he may hold.

This "troika" arrangement, engineered by the Communists, is frightening and devastating when you consider the United States of America has no foreign policy of its own except the United Nations.

Lincoln once said:

If destruction be our lot, we ourselves must be the author and finisher.

This is it, Mr. Speaker. If this Republic is to perish, we ourselves, within our own household, will be the architect and finisher of our fate.

OUR RECIPROCAL TRADE AGREEMENTS PROGRAM

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, one of the most important questions that will confront this Congress is the question in reference to our reciprocal trade agreements program. Shall we extend it? Shall we broaden it? Shall we discard it and give the President additional power to make trade treaties which is asked for?

This question has been presented pro and con in Nation's Business of January of this year.

The new majority whip has stated in his article that we should give the President extended powers. I have stated in my article that we should not, and that we should take back some of the constitutional powers given him in connection with reciprocal trade agreements.

Mr. Speaker, I urge all Members to read both sides of the question.

Mr. Speaker, I ask unanimous consent to include my article in the RECORD, and I hope that the new whip on the majority side will also include his article.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from Nation's Business of January 1962:

BENEFIT TO UNITED STATES ONLY A MYTH

(By U.S. Representative NOAH M. MASON)

When the first extension of the Reciprocal Trade Agreements Act came to a vote in February 1937 I was 1 of 13 Members of the House who voted "No." It was my first important vote in Congress. I have never regretted that "no" vote.

In fact, I have voted "No" every time the act has been extended since then. Those first 13 "no" votes have gradually increased until today there are more than 200 votes in the House against further extension of the act.

The word "reciprocal" is a misnomer. It is anything but reciprocal. Our trade program has developed into a one-way street with the benefits all flowing one way—away from the United States. What has it accomplished?

The four reasons given for its enactment in the first place were that it would:

Advance world peace;
Make for world prosperity;
Bring about amity among the nations;
Remove world trade barriers.

Has it accomplished any one of these four objectives?

Has world peace been advanced? During the 27 years the act has been on the books we have had World War II. We have had the Korean war. We have had the so-called Spanish Civil War. We have had 14 years of war in Indochina. We have trouble between England and Egypt, between India and Pakistan. We have had Communist Russia extending her Iron Curtain until she now has control and domination over 900 million people instead of the 300 million people of the Soviet Union before the close of World War II. Can anyone truthfully say world peace has been advanced?

What about world prosperity, the second objective? Are we any nearer world prosperity today than we were in 1934 when the program was instituted?

To try to bring about world prosperity we have given away more than $140 billion in the past 20 years—$60 billion lend-lease during the war and $80 billion since—to say nothing of the $350 billion we have spent for national defense in the cold war.

Certainly our prosperity has not been advanced. We are more than $285 billion in debt today, which is more than all the other nations of the world put together owe—and more than twice as much as all the nations of Europe put together owe.

What about the third objective? Is good will or amity among the nations any nearer today than it was before 1934?

Let us be specific: Has the relationship between India and Pakistan improved since 1934? Between Palestine and Arabia? Between Italy and Yugoslavia? Between Communist China and Nationalist China? Between the United States and Cuba? What about our relations with Russia? Are they improved?

What about internal dissensions and strife? Italy with her 36 percent Communist vote in the last election; France with a national legislature that is 25 percent Communist? What about England torn between her socialist Labor Party and her Conservative Party?

Have good will and amity among men been advanced by the Reciprocal Trade Agreements Act? My answer is: Not so anybody can notice it.

Finally, have world trade barriers been reduced or removed? Do we have a freer

flow of goods today across national borders than we had in 1934?

While world tariff walls have been lowered, other obstacles or barriers more effective than tariffs have been erected in their place—among them import and export licenses, trade preferences, currency manipulations, multiple currencies, quotas, subsidies, state trading, and the European Common Market freezeout.

It is a fact, and we must face it, that, under the Reciprocal Trade Agreements Act, practically every foreign country that has lowered its tariff walls has erected other barriers against U.S. imports, thereby nullifying the effect of their tariff concessions or reductions.

In the face of these facts—can anyone say our 27 years of experience under our so-called Reciprocal Trade Agreements Act has been a success from the standpoint of its effect upon our American economy? Has it been a benefit to American workmen? The answer to both questions is "No."

In addition to the advantages we have given foreign nations under our Reciprocal Trade Agreements Act, during the past 15 years we have poured out to war-torn foreign nations some $75 billion to rebuild their factories; to replace their wornout or war-destroyed machinery with our modern machinery—thus creating competitors for us in both foreign markets and in our own American market.

So, today we face the question: Is the United States being priced out of the world markets? It certainly begins to look that way. One thing is absolutely certain: The United States is facing increased competition in world markets.

Today, for the first time in our history, we have an unfavorable international payments balance. In 1958, our unfavorable world payments balance was $3.4 billion. In 1959, it was $3.7 billion. In 1960, it was $3.9 billion. What it was in 1961 we do not know exactly yet. But we do know that no nation on earth can run a deficit in its international balance of payments of this magnitude very long without going on the rocks.

Our Reciprocal Trade Agreements Act gave the President the power to regulate foreign trade. In effect, this put the State Department—an arm of the Executive—in control of American industry.

Under the guise of seeking allies and friends in an unfriendly world, the State Department has issued what may be termed death sentences to hundreds of American industries and destroyed millions of American jobs.

Consider these effects on American industries already dealt body blows by the tremendous imports flooding our markets today:

1. The American jeweled watch industry has been practically closed out as a result of our tariff reductions since 1934. We formerly had 20 jeweled watch companies in the United States; now we have only a handful. More than 80 percent of the American market for jeweled watches has been taken over by Swiss watch manufacturers.

2. Lowered tariffs in the fresh and frozen fish industry have resulted in such large fish imports at such cheap rates that American fishermen are unable to compete. Some of our largest fish processing plants have moved to other countries where wage rates are lower.

3. Widespread unemployment is now prevalent in our industries that make chinaware, pottery, glassware, and kitchen articles. All industries classified as handcrafts are affected, industries that depend largely upon hand skills. This is the direct result of tariff reductions and the greatly increased imports of those articles.

4. Thousands of lead and zinc miners are today out of work and on relief because of greatly increased imports of both lead and zinc. Recently our zinc factories have been reducing their working forces or going on a part-time basis because of the importation of processed zinc.

5. An excellent example of the way import licenses work is the American motorcycle. American producers formerly enjoyed a substantial market for motorcycles in Great Britain, in Australia, and in other British areas. The British duty on motorcycles was reduced under the Reciprocal Trade Agreements Act, but the British import license system has absolutely shut American motorcycles out of British markets.

These are just a few samples of the direct results of our reciprocal trade agreements program, and the results are only beginning to become evident. In the face of these facts, can anyone say that our trade program has been a success? Should the program be continued? Should the President be given the power to lower our tariffs still further?

How can we maintain high wages for American workmen and high living standards for American people when we permit goods manufactured by foreign workmen working for low wages and farm products raised by farmers who for centuries have been living like serfs, to flood our markets and destroy the jobs upon which our workers depend? There is such a disparity in labor costs between European and American labor that three workers can be employed is Europe for what it costs to employ one in America.

The Constitution gives Congress, and not the Executive, the authority to set tariffs. Congress should no longer shirk its responsibility. Congress should assume that responsibility and through its arm—the U.S. Tariff Commission—repair the damage done by the misguided policies of the past 27 years.

I feel sure this will be done within a year or so. The exportation of American jobs and industry and the ever increasing importation of foreign-made goods to be sold on the American market will be one of the campaign issues next fall.

If we continue any longer on the path to economic destruction, more American capital will go overseas, more and more American businessmen will transfer their plants abroad, more and more American factories will close, and more and more American workers will be out of work. It is past time to act. We must repeal the Reciprocal Trade Agreements Act and do it now.

CASTRO'S CUBA

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, the subject matter of President Kennedy's state of the Union message encompassed the globe and reached even to the moon. But it totally ignored a crucial threat 90 miles from our shores.

On the problem of Castro's Cuba the President offered only a thundering silence.

In his corresponding message a year ago, delivered 10 days after his inauguration, Mr. Kennedy at least cautiously acknowledged:

> In Latin America, Communist agents seeking to exploit that region's peaceful revolution of hope have established a base in Cuba.

This year, however, Cuba is not so much as mentioned.

The President voiced only the meaningless generalization—itself factually questionable, to say the least—that "the blight of communism has been increasingly exposed and isolated in the Americas." He did boast of our intervention against the non-Communist dictatorship in the Dominican Republic. And, of course, he proposed more billions in U.S. aid to Latin America.

But there was not a word about Castro's now admitted Sino-Soviet ties—or about his now openly avowed Communist loyalties and objectives.

Not a word about the position the United States will take in the upcoming Inter-American Foreign Ministers' Conference convening in Uruguay, January 22, ostensibly to deal with the Cuban threat. A news report from Mexico City, published in a Washington newspaper the same day the state of the Union message was delivered, claimed that a proposal by Central American countries, calling for condemnation of Castro, expulsion of Cuba from the Organization of American States, and diplomatic and economic sanctions against the Castro regime, had been turned down by our State Department on the specious grounds that it could not muster the necessary two-thirds vote.

Most shocking of all, there was not a word in the President's message about a U.S. State Department white paper issued only 8 days earlier, reciting with startling frankness, accuracy, and detail, the Castro-Communist tieup and threat in this hemisphere. The authorship of this white paper seems veiled in mystery. Can it be that patriotic realism has actually infiltrated the State Department? One wonders whether or when someone has been—or will be—fired for so bluntly telling the truth.

Here are some excerpts from this amazing document:

> From the time the Castro regime came to power it has deliberately tried to undermine established governments in Latin America and destroy the inter-American system. In the process it has associated itself with the Sino-Soviet bloc in an active partnership and adopted totalitarian policies and techniques to cement dictatorial control over the Cuban people. This situation confronts the nations of the Western Hemisphere with a grave and urgent challenge.
>
> As a bridgehead of Sino-Soviet imperialism within the inner defenses of the Western Hemisphere, Cuba under the Castro regime represents a serious threat to the individual and collective security of the American Republics.

This white paper details the massive military buildup which has occurred in Cuba under Castro. It points out that Cuba's ground forces are now larger than those of any American Republic, except the United States, and at least 10 times larger than that of any previous Cuban

Government. It cites major contributions of the Communist bloc to this buildup. It cites pledges of military support for Cuba by both Soviet Russia and Red China. It spells out all aspects of the Communist takeover in Cuba in frightening detail. It even records Castro's Communist associations dating back to 1948.

Yet Cuba and Castro are not so much as mentioned in President Kennedy's state of the Union message—nor is there any hint of a forthcoming communication to the Congress on the subject.

Why, Mr. President?

And an even more urgent and insistent question:

When, Mr. President?

NEED FOR THOROUGH STUDY OF BOND PURCHASE PROPOSAL

Mr. RIEHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, there had been considerable indication in the few weeks prior to our return that the Congress would be asked to approve purchase of approximately half of the $200 million worth of bonds issued by the United Nations to finance its operations over the next 18 months. The state of the Union message put an end to any speculation in this regard, the President indicating his belief that participation in the bond issue is in the best interests of the United States.

Although I have consistently endorsed our support of the United Nations in the past, at this point in time I have some serious reservations as to the wisdom of any such financial commitment. I am certainly willing to hear the administration's case for its position, but United Nations activities of late have surely left ample room for doubt as to whether resort to deficit financing by that organization should be condoned.

I do not profess to know all there is to know about the intricacies of our relationship with the United Nations. I do not pretend to be aware of all the information that is at the fingertips of those who manufacture our policy. Conceivably some of the knowledge necessary to the making of intelligent decisions is peculiar to the executive branch. I merely state my belief that, based on the information available to the public thus far, there is considerable cause for doubt as to the wisdom of certain U.N. activities and the wisdom of our support, financial and otherwise, of those activities.

I feel that the faith and hopes which the American people have reposed in the United Nations have been shaken severely. There is much confusion and lack of understanding. It is time to clear the air.

In my opinion it is imperative that we make a careful and deliberate reassessment of every phase of our United Nations policy. The activities of that organization in the Congo, its reaction to the Goa affair, the failure of roughly 80 percent of its members to meet their financial obligations—these are but a few of the matters to which I feel Congress must devote serious study before making any additional financial commitments of the nature just mentioned. It is time to be frank and realistic. It is time to openly and objectively reassess the potential of the United Nations as an organ for peace. It is essential that Congress go to the very heart of our relationship with the United Nations before we extend and commit ourselves in ways that could prove eminently unsound.

I would like to include at this point in the RECORD an editorial by Mr. Alexander F. Jones entitled "The International Patsy," which recently appeared in the Syracuse (N.Y.) Herald-Journal:

THE INTERNATIONAL PATSY

(By Alexander F. Jones)

If there is to be peace in the new year it must come through action by the majority of members in the United Nations.

That action will not be promoted by any attempt of the United States to buy it.

The United Nations is on the verge of bankruptcy with 82 of 104 members in arrears of dues, or openly refusing to pay for costs of the Congo and Gaza Strip operations.

To restore some semblance of financial stability the General Assembly has authorized U Thant, Secretary General, to issue $200 million in long-term bonds to make up present deficits.

And the White House and Harlan Cleveland, Under Secretary of State, are urging the United States, through congressional action, to buy half that issue as "our fair share."

That, in my opinion, is the first of the new year irresolutions and if it is to be followed by any more softheaded conclusions we will be doing more to bring about the dissolution of the United Nations than any of its open enemies.

No one yet has ever been able to buy genuine respect, be it any individual, a corporation, a state, a nation, or a world organization like United Nations.

When 82 of 104 nations disregard their financial obligations and refuse to pay up the core of your peace apple is rotten and the guilty members who strut around the United Nations are smirking deadbeats. They exert their constant under-the-table efforts to defeat honest peace efforts.

When a man refuses to pay the rent his furniture is put on the street.

When a corporation cannot meet commitments the bankruptcy courts take over.

When a nation rejects its currency and debt obligations its fiscal responsibility is imperiled.

There is not a single nation in arrears to the United Nations, with the exception of tribal splinter regions that do not deserve to be called separate countries, that cannot pay its just dues in the peace organization. If there is just a nation than can prove its case, the United States could make a direct loan for that purpose.

But to allow the Soviet Union, the Communist bloc, and the Asian-African bloc to refuse to pay for the Congo and Gaza Strip costs for political reasons is weakness of a frightening nature.

We would gain no prestige or credit for trying to hold the United Nations together by picking up half the deficit. We have one vote in the U.N., just like Chad, the desert oasis with a population of 100,000 nomads and 300,000 camels, goats, and hyenas.

What the United Nations needs first of all is a hard-shelled treasurer empowered to make members realize that status there is no rejection privilege extended to any country that refuses to pay because it disagrees with a majority political or military action.

Let such an official get on the General Assembly dais and read the list of delinquents and why they refuse.

What this situation requires is some plain old-fashioned American guts.

That type of intestinal fortitude exists in Great Britain, where Lord Home, Foreign Secretary, is calling a spade a spade and earning the cheers of his countrymen.

"There is a double standard growing up in the United Nations whereby British colonialism is criticized and Soviet Union imperialism ignored." Said Lord Home, "The U.N. is embarking on a reckless and dangerous practice of passing resolutions careless of peace or security.

"A resolution passed by the General Assembly stated that 'inadequacy of political, economic, social, or educational preparedness should never serve as a pretext for delaying independence.' This total lack of responsibility has resulted in the chaos in the Congo.

"And for the first time U.N. members are supporting the use of force to achieve national ends. Goa is a case in point. For whatever the provocations suffered by India there is no doubt at all her actions were a direct breach of the U.N. Charter and international law.

"There seems to be a code of behavior where there is one rule for the Communist bully, who rules by fear, and another for the democracies, because their stock in trade is reason."

It was Lord Home who made public the 82-out-of-104 delinquency figure.

And now Congress is going to be asked to buy half the U.N. bond issue—American taxpayers picking up the check for Lord Home's "Communist bullies," the traitors of New Delhi, the anti-Semitists of the Near East, the African tribesmen parading around the General Assembly in white nightgowns.

What freedom or liberty or measure of our self-respect is there in constantly paying off sneering enemies and international confidence men in what is nothing but veneered blackmail?

It is my hope some Senator or Congressman will get up on his hindfeet, demand a full explanation of U.N. delinquencies and why, and paint the situation there as it presently exists—just for our own self-respect.

It gripes some of us to see bleeding hearts continue to make us the eternal international patsy.

"UNCERTAINTIES UNDER OUR ANTIMONOPOLY LAWS" ADDRESS OF COMMISSIONER EVERETTE MACINTYRE

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, remarking on the confused state of our law in a field other than antitrust, Mr. Justice Jackson observed:

> If there is one thing that the people are entitled to expect from their lawmakers, it is rules of law that will enable individuals to tell whether they are married and, if so, to whom?

Almost, but not quite as important, are guides in the antitrust area.

Inasmuch as the antimonopoly laws are necessarily couched in general language, it gives rise to uncertainties regarding the legal status of certain acts and practices. This, in turn, leaves businessmen uncertain about the application

of the law. Fortunately, Commissioner Everette MacIntyre of the Federal Trade Commission has given much thought to this problem.

In a truly brilliant address that Commissioner MacIntyre delivered at the winter conference of the American Marketing Association, in New York City on December 27, 1961, he made the exceedingly valuable suggestion that an administrative agency, such as the Federal Trade Commission, be looked to for help in solving the problem. Such administrative agency by taking action from day to day could be looked to for spelling out and specifying what trade restraints, which if continued, are likely to lead to violations of the antimonopoly laws. In this address he elaborated upon the remarks he made when he was sworn in as a member of the FTC and stated that this action could take the form of substantive rulemaking by the agency, and thereby businessmen would be assisted in avoiding the continuation of practices which might make them subject to possible punitive proceedings.

Because of the importance of Commissioner MacIntyre's address and also because he so ably served as general counsel to the House Small Business Committee, I wish to use this means of calling my colleagues' attention to it.

The address is as follows:

UNCERTAINTIES UNDER OUR ANTIMONOPOLY LAWS

(Remarks by Everette MacIntyre, Commissioner, Federal Trade Commission, at the Winter Conference of the American Marketing Association, New York, N.Y., December 27, 1961)

Businessmen and others of the public seek but do not find an unqualified answer to the question, "What trade restraints and monopolistic acts are unlawful?" It requires no great amount of legal research to find out why that is true.

The Anglo-Saxon common law has dealt with trade practices and monopolistic acts over a period of centuries. However, under the common law, trade practices and monopolistic acts are unlawful only when employed with the intent to coerce or damage a competitor or the promotion of a monopoly.

Statutory law in this country regarding the subject is, with the exception of a few provisions applying to particular acts, almost as general and indefinite as the common law. Of course, when the Sherman Antitrust Act was passed in 1890, it was thought that the language of its provisions made more definite the law for the regulation of interstate and foreign commerce. Particular basis for that thought is found in the words of the first section of that law to the following effect: "Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce * * * is hereby declared to be illegal," and the words of section 2 to the effect that "every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding 1 year, or by both said punishments, in the discretion of the court."

First, proposals were made that the Sherman Act be amended to provide for some exemptions from its application to certain conditions and practices. Those proposals were rejected. Then proposals were made to make the application of the Sherman Act more flexible by making it effective only where trade restraints and monopolistic conditions were found to be unreasonable.

At first the Supreme Court rejected proposals that it make the Sherman Antitrust Act indefinite by reading into it an interpretation which would make it applicable only to unreasonable restraint of trade.[1]

These proposals would have amended the Sherman Act to permit the continuation of a number of combinations in restraint of trade.[2]

Although these proposals were not acted on by the Congress, the law, through the process of judicial interpretation, was made almost as general and broad in its sweep as the common law of England and this country. A part of this development was the decision by the Court in the Standard Oil case.[3] In that case the "rule of reason" was read into the Sherman Act and that law was, thereby, made to apply only to unreasonable restraints of trade. It was reasoned that the Sherman Act "* * * followed the language of development of the law of England." In that connection the Court held:

"The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint.

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"Thus not specifying but indubitably contemplating and requiring a standard it follows that it was intended that the standard of reason which had been applied at the common law and in this country in dealing with subjects of the character embraced by the statute, was intended to be the measure used for the purpose of determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided."

Thus it is seen that the Sherman Act thus interpreted is as Mother Hubbard's dress, covering almost everything but touching nothing in particular. The uncertainties inherent in such a situation were aptly described in the opinion of Justice Harlan, a member of the Supreme Court who participated in the decision in the Standard Oil case. He said:

"To inject into the act the question of whether an agreement or combination is reasonable or unreasonable would render the act as a criminal or penal statute indefinite and uncertain, and hence, to that extent, utterly nugatory and void, and would practically amount to a repeal of that part of the act. * * * And while the same technical objection does not apply to civil prosecutions, the injection of the rule of reasonableness would lead to the greatest variableness and uncertainty in the enforcement of the law. The defense of reasonable restraint would be made in every case and there would be as many different rules of reasonableness as cases, courts and juries. What one court or jury might deem unreasonable another court or jury might deem reasonable. A court or jury in Ohio might find a given agreement or combination unreasonable."

The Federal Trade Commission Act is couched in general terms, making unlawful unfair methods of competition and unfair and deceptive acts and practices. The Supreme Court has ruled that the words "unfair methods of competition" are not defined by the statute and their exact meaning is in dispute. However, they have held them to be applicable to practices opposed to good morals because characterized by deception, bad faith, or oppression, or as against public policy because of their dangerous tendency unduly to hinder competition or create monopoly. Woodrow Wilson appreciated the need for businessmen to be more precisely informed about the meaning of these general terms of the law. For that reason, in 1914 he asked two things:

(1) He asked that some additional legislation be enacted, stating that—

"The business of the country awaits also, has long awaited, and has suffered because it could not obtain further and more explicit legislative definition of the policy and meaning of the existing antitrust law. Nothing hampers business like uncertainty. Nothing daunts or discourages it like the necessity to take chances, to run the risk of falling under the condemnation of the law before it can make sure just what the law is.

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"Surely we are sufficiently familiar with the actual processes and methods of monopoly and of the many hurtful restraints of trade to make definition possible, at any rate up to the limits of what experience has disclosed. These practices, being now abundantly disclosed, can be explicitly and item by item forbidden by statute in such terms as will practically eliminate uncertainty, the law itself and the penalty being made equally plain.[4]

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"I think it will be easily agreed that we should let the Sherman antitrust law stand, unaltered, as it is, with its debatable ground about it, but that we should as much as possible reduce the area of that debatable ground by further and more explicit legislation; and should also supplement that great act by legislation which will not only clarify it but also facilitate its administration and make it fairer to all concerned."[5]

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[1] *U.S.* v. *Trans-Missouri Freight Assn.*, 166 U.S. 290 (1897); *U.S.* v. *Joint Traffic Assn.*, 171 U.S. 505 (1898).

[2] In 1909, S. 6440, introduced in the 60th Cong., 2d sess., proposed to amend the Sherman Act to give all corporations except railroad companies (already subject to the Interstate Commerce Act) immunity from antitrust prosecution unless notified within 30 days by the Commissioner of Corporations, with the concurrence of the Secretary of Commerce and Labor, that any proposed contract or combination filed with the Commissioner of Corporations was in unreasonable restraint of trade. It would have limited the amount of recovery in a civil action for injury to business under section 7 to single instead of threefold damages and, according to the Senate Judiciary report on it, would have provided "that no prosecutions under the first six sections of the act should be maintained for past offenses unless the contract, or combination, be in unreasonable restraint of trade * * *." S. Rept. No. 848, 60th Cong. 2d sess. 9 (1909). The Senate Judiciary Committee rejected the proposed amendment, saying that to make "civil and criminal prosecution hinge on the question of reasonableness or unreasonableness * * * destroys * * * the provisions of the act as to criminal prosecutions, and renders them nugatory, and opens the door wide to doubt and uncertainty as to civil prosecutions * * *. The defense of reasonable restraint would be made in every case and there would be as many different rules of reasonableness as cases, courts, and juries." Guthrie, Constitutionality of the Sherman Anti-Trust Act of 1890, 11 Harv. L. Rev. 80 (1897) at 9–11.

[3] 221 U.S. 1.

[4] "The New Democracy," Woodrow Wilson, vol. 1, p. 85.

[5] Ibid., p. 75.

Congress responded to these suggestions by taking under consideration proposals contained in a bill introduced by Congressman Clayton, of Alabama. Out of that grew the Clayton Antitrust Act, among the provisions of which are those condemning price discriminations, tieing and exclusive dealing arrangements, certain mergers and acquisitions, and interlocking directorates.[6]

(2) Wilson also asked that a Federal Trade Commission be created. He wanted such an agency, among other things, to assist businessmen in securing a better understanding of their responsibility under the law. In that connection, he stated:

"It is of capital importance that the businessmen of this country should be relieved of all uncertainties of law with regard to their enterprises and investments and a clear path indicated which they can travel without anxiety. It is as important that they should be relieved of embarrassment and set free to prosper as that private monopoly should be destroyed. The ways of action should be thrown wide open." [7]

On September 2, 1916, in his speech of acceptance on renomination to the Presidency, Wilson restated his view of the function of the Commission in the following terms:

"A Trade Commission has been created with powers of guidance and accommodation which have relieved businessmen of unfounded fears and set them upon the road of hopeful and confident enterprise.[8]

"We have created, in the Federal Trade Commission, a means of inquiry and of accommodation in the field of commerce which ought both to coordinate the enterprises of our traders and manufacturers and to remove the barriers of misunderstanding and of a too technical interpretation of the law. * * * The Trade Commission substitutes counsel and accommodation for the harsher processes of legal restraint." [9]

It is clear that it was intended by Wilson that with the establishment of the Federal Trade Commission we would have an agency which would apply the law against unfair trade practices on a broad basis in an effort to eradicate harmful practices in their incipiency. It was thought this would be done by specifying harmful trade practices item by item. In this way, it was thought, businessmen would be assisted in avoiding the continuation of practices which would make them liable as criminals under the Sherman Antitrust Act.

Unless the Federal Trade Commission undertakes the specification of harmful trade practices item by item, which probably would lead to trade restraints violative of the Sherman Act, businessmen will be left without guidelines of what is legal and what is illegal under our antimonopoly laws.

It is clear that the national public policy against monopolies and monopolistic practices and conditions precludes any thought of cutting down the scope of the sweep of the Sherman Act and the Federal Trade Commission Act. On that point, the Chief of the Antitrust Division of the U.S. Department of Justice has made this statement:

"When asked for comment on a legislative proposal for antitrust exemption, we will take a long, hard look. With exceptions already covered by existing laws, we have seen no persuasive case for compromising any antitrust principles in special cases." [10]

From existing circumstances and our experience, it is clear that public policy will continue to dictate that our antimonopoly laws continue with their broad sweep covering a multitude of unspecified trade practices and conditions. It cannot be expected that the Congress will undertake to specify in new legislation each of the trade practices and conditions likely to fall within the broad sweep of the Sherman Act and the Federal Trade Commission Act. Therefore, businessmen and the public are unlikely to enjoy flexibility, breadth and certainty under our antimonopoly laws unless there is action from day to day by an administrative law agency such as the Federal Trade Commission, devoted to spelling out and specifying what trade restraints and conditions are unlawful, and aiding in the establishment of guidelines for avoidance of pitfalls leading to violations. Reference has been made to the responsibility of the Commission to proceed against unfair trade practices on an industrywide basis. Hope has been expressed that the Federal Trade Commission will give attention to its responsibilities in this regard.

Considerable discussion has centered on the power of the Federal Trade Commission to make substantive rules which would cover industrywide unfair trade practices. In this discussion, section 6(g) of the Federal Trade Commission Act has been cited. It provides:

"SEC. 6. That the Commission shall also have power"—(g) From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this Act."

It is reasoned that this provision of the law could be relied upon to aid the Commission in carrying out its responsibilities in prohibiting the unfair methods of competition and unfair and deceptive acts and practices made unlawful by section 5 of the Federal Trade Commission Act.

This idea is not new. For a substantial period of time the Commission has utilized a trade practice conference procedure for the purpose of informing itself about industrywide practices alleged to be unfair. It has proceeded to utilize that information in formulating statements of what the Commission believed to be applicable as law to the trade practices in question. These statements were designated as trade practice rules and were designed to afford guidance to industries and enable them to voluntarily operate in compliance with the interpretations of the law by the Commission and the courts. It was hoped that through such advisory rulemaking procedures there would be voluntary compliance with the acts administered by the Commission.

The Commission as early as 1918, some 3 years after its organization and nearly 1 year before its first formal case was decided in the courts,[11] was confronted with an industrywide practice of misbranding gold finger rings. In lieu of proceeding formally against the individual manufacturers involved, the Commission designated a Commissioner to hold conferences with members of the industry and recommend an acceptable disposition of the entire matter, which would end the abuse and eliminate the resultant consumer deception. As a result of that conference, the members agreed upon proper markings for their products which were acceptable to the Commission, and that agreement became effective on May 1, 1919. The records indicate that the agreement was 100 percent effective and ended the abuse.

Since that early beginning there has gradually evolved the Commission's present trade practice conference program. In the intervening years, in excess of 250 U.S. industries have, at one time or another, operated under various forms of trade practice rules. Today, rules are in effect for 163 industries. Huston Thompson, Chairman of the Commission in 1921, has written that the trade practice conference procedure was developed to meet situations where one member of an industry started an unfair method of competition and others in the industry were forced to adopt it in the interest of self-preservation, with the result that the Commission would be deluged with complaints.[12]

Trade practice conferences have been initiated at all stages in the progress of unfair practices within an industry. They have run the gamut of fairly standard rules where the law has been well settled in case decisions and the practices fairly uniform to the detailed working out of express standards for guidance of industries early in the history of the emerging industry and in the initial stages of unfair practices within the industry.

In more recent years, the trade practice rules have been more often utilized to afford detailed and specific guidance to industry on specific problems of compliance which were peculiar to the industries affected and in the early stages of the use of unfair methods. Illustrative of this trend was the promulgation of the rayon rules.[13] This new industry, producing a product which closely resembled silk in appearance and texture, was susceptible of deceiving consumers by its appearance alone, and, additionally, terminology was developing in the many industries using the product which enhanced that deception. The rayon rules carefully spelled out detailed instructions concerning the requirements of effective marking of products made of the material and prohibited specific designations. These rules have been revised through the years to meet additional problems with the technological developments of composition and manufacture, and they were a forerunner of the present Textile Products Labeling Act.[14]

A cursory examination of trade practice rules enacted in the past 10 years shows that the Trade Practice Conference procedure has been used increasingly in industry after industry to afford guidance to members in new industries or where practices deemed violative of acts administered by the Commission were in the initial stages.

An example is the recently promulgated rules for the pleasure boat industry.[15] That industry, as you know, has had tremendous growth in the past few years. Competitive as well as deceptive practices grew with the expansion of the industry. They involved representations as to power, safety, composition of hull, durability, and confusing guarantees. In cooperation with that industry, the rules carefully spelled out answers to all of these and other problems, which, if not solved, would have resulted in involvement with the Commission by a substantial segment of the industry and multiple practices.

It is difficult, if not impossible, in the case of many rules to evaluate their effectiveness for a number of reasons:

1. No accurate measurement of the number of violations existing prior to promulgation of the rules is available;

2. In most such proceedings there is no thorough complete industrywide investigation after the promulgation to determine

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[6] 15 U.S.C. 12–19.

[7] Messages and Papers of the Presidents, vol. XVI, Bureau of National Literature, Inc., pp. 7909–7910.

[8] Ibid., p. 8151.

[9] Ibid., p. 8158.

[10] Hon. Lee Loevinger, Assistant Attorney General, record of the hearings before American Bar Association, section of antitrust law, vol. 18 pp. 103–104, Apr. 6, 1961.

[11] *Sears Roebuck and Co.* v. *Federal Trade Commission,* 285 Fed. 307, C.C.A. 7 (1919).

[12] January-February 1940, George Washington Law Review, pp. 268, 269.

[13] Rayon Industry, promulgated Oct. 26, 1937.

[14] Textile Fiber Products Identification Act (approved on Sept. 2, 1958, 85th Cong., 2d sess.; 15 U.S.C. secs, 70, 72, Stat. 1717), promulgated on Mar. 3, 1960.

[15] Promulgated on Aug. 4, 1961.

the number and nature of continuing violations; and

3. In increasing numbers of industries, rules involving specific practices have been developed early in their usage, and their service lies not only in ending existing abuses, but it is frequently much greater in the prevention of future abuses.

Students of FTC procedure and the laws it administers have praised the benefits of the Trade Practice Conference procedure.

An article in the George Washington Law Review [16] concludes that the procedure "has performed for industry and the public a great educational service, the value of which in eliminating unethical practices, and cutting the cost of law enforcement, cannot be overestimated."

The Attorney General's Committee on Administrative Procedure [17] made this statement:

"Even where formal proceedings are fully available, informal procedures constitute the vast bulk of administrative adjudication and are truly the lifeblood of the administrative process. No study of administrative procedure can be adequate if it fails to recognize this fact and focus attention upon improvement of these stages."

In a number of cases where the courts have had occasion to consider the applicability of trade practice rules in particular cases, they have commented favorably on the rules and upheld the principles enunciated in them.[18]

In addition to these cases, the value of interpretive opinions and rules has been often considered and examined by the Supreme Court. Perhaps the Supreme Court's opinion of such procedures is best summed up in the case of *Skidmore* v. *Swift & Co.*[19] as follows:

"The Administrator's policies are made in pursuance of official duty, based upon more specialized experience and broader investigations and information than is likely to come to a judge in a particular case. They do determine the policy which will guide applications for enforcement by injunction on behalf of the Government. * * * This court has long given considerable and in some cases decisive weight to Treasury Decisions and to interpretative regulations of the Treasury and of other bodies that were not of adversary origin.

"We consider that the rulings, interpretations and opinions of the Administrator under this Act, while not controlling upon the courts by reason of their authority, do constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance.

On September 15, 1955, the Commission initiated a new method of interpretive rules in the form of Guides.

The first guide adopted on the above date covered cigarette advertising. Prior to the adoption of those guides, the Commission had obtained final cease and desist orders in seven cases and negotiated 17 stipulations involving cigarette advertising.

In 1954 and early 1955, the cigarette industry embarked upon an intensive advertising program of filter-tip cigarettes. That advertising campaign coincided with widely disseminated information linking cigarette smoking to adverse effects on health.

Since the adoption of the cigarette advertising guides, in excess of 200 individual instances of questionable claims have been promptly discontinued when brought informally to the advertiser's attention. Of equal or greater importance is the fact that in substantial numbers of instances where new advertising themes in that industry were contemplated, they were and are presented to the Commission staff in advance and then conformed to the informally expressed views of the staff, thus avoiding the dissemination of deceptive claims in the first instance.

The Commission's files are replete with information to the effect that in many instances the wide publicity given to the Commission's Trade Practice Rules and its statements of guides, have had a wholesome effect in improving compliance with law. However, the sad fact about the matter is that in a number of very important areas, industry-wide practices adverse to the trade generally, and apparently inconsistent with the law, have been continued despite the full light of pitiless publicity of the Commission's Trade Practice Rules and Guides. In these instances, it would appear that what is needed is some mechanism to enforce, on an industry-wide basis, a compliance with the law against unwholesome and destructive trade practices. This is particularly true in those instances where the use of the unfair trade practice involves large numbers, perhaps hundreds, in a given industry. Obviously, it is impractical and, perhaps, unfair, to proceed against one or two in such a situation through litigation, and leave the others free to continue the questionable practices.

In recent months, concern with this crisis in the administrative process has deepened. More than ever it is believed that these untested but promising rulemaking procedures should be explored for use as a supplement to adjudicative work.

Pursuant to specific statutory authority, the Federal Trade Commission and other administrative agencies have already engaged in broad-scale substantive rulemaking; and these processes have consistently been validated in the courts. Examples are this Commission's rules under Fur, Wool, Textile, and Flammable Fabrics Acts, as well as far-reaching rulemaking activities of the Food and Drug Administration, Treasury Department, and Internal Revenue Service.

While it may be contended that these are specialized grants of power in closely defined regulatory contexts, it is believed that adequate substantive rulemaking authority exists under the Commission's organic statute to permit this kind of rulemaking proceedings. Reference is made to the broad powers of section 5 of the Federal Trade Commission Act. Also, as has been stated, section 6(g) of the Federal Trade Commission Act empowers the Commission "from time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this act." This authority, in terms, is plenary; and there is nothing elsewhere in the statute to suggest that Congress did not intend section 6(g) be given an expansive construction consistent with the purposes of the legislation. Thus, the courts have already made it clear that the Commission's Rules of Practice, properly adopted pursuant to the basic statutory grant of section 6(g), have the force and effect of law.[20] Should it be conceded, short of a judicial declaration, that substantive rules properly adopted under section 6(g)'s grant would be any less valid? The public interest now commands an early test of whether sections 5 and 6(g) afford sorely needed substantive rulemaking remedies in aid of lagging quasi-judicial authority.

The rulemaking process, as has often been pointed out, is that aspect of the administrative process most analogous to the statute-making power of the legislature. It is thus to be contrasted with the administrative adjudicative process, which most resembles the decisionmaking of the courts. Too often, in stressing adjudicative powers and in analogizing our activities to those of the courts, we fail to remember that both functionally and conceptually we are fundamentally an agent of the legislature. As the Supreme Court said in *Humphrey's Executor* v. *United States*,[21] the Commission's duties are not only quasi-judicial but also quasi-legislative.

Professor Fuchs defines rulemaking as "the issuance of regulations or the making of determinations which are addressed to indicated but unnamed and unspecified persons or situations;" [22] and another commentator states that "What distinguishes legislation from adjudication is that the former affects the rights of individuals in the abstract and must be applied in a further proceeding before the legal position of any particular individual will be definitely touched by it; while adjudication operates concretely upon individuals in an individual capacity." [23]

Rulemaking and adjudication are necessary and complementary weapons in the arsenal of administrative powers. So long as appropriate procedural safeguards are provided, the agency's choice of one mode or the other is not subject to judicial attack. In the noted Storer case,[24] for example, we find a dramatic example of the Government's using rulemaking and adjudication as its one-two punch. There the Federal Communications Commission, without hearing, denied Storer's application for an additional television station license. The sole basis for this denial was that granting the application would violate a Commission rule against a multiple ownership of stations. That rule had been enacted earlier the same day.[25]

On November 30, 1961, the U.S. Court of Appeals for the District of Columbia, in the case of *Wisconsin* v. *Federal Power Commission, et al.*—Fed. 2d—(1961), held that an action by the Federal Power Commission to set guidelines by which it will be controlled in its regulatory functions is within its authority under the Natural Gas Act. Under that act the Federal Power Commission was authorized to make determinations regarding rates, charges, or classifications observed, charged, or controlled by any natural gas company, and in that connection to determine the justness and reasonableness of what the gas company demanded. The Power Commission found that by proceeding against individual companies through the use of the case-by-case method, it was failing to carry out effectively the congressional mandate. It chose to meet the problem by a rulemaking process by which it would make a determination of what was reasonable and make its determination applicable to the operations of all of the companies operating in a particular area. This the court held it may do under the general terms of the Natural Gas Act.

There are, of course, a number of questions which arise in connection with possible use of rulemaking procedures, e.g., whether

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[16] Silver Anniversary Edition, January–February 1940, p. 450.

[17] Final report published 1961, on p. 4.

[18] *Prima Products, Inc., et al* v. *Federal Trade Commission*, 209 Fed. (2d) 405, (2d Cir., Jan. 7, 1954).

Northern Feather Works, Inc. and Sumergrade & Sons v. *F.T.C.*, 234 F. (2d) 335 (3d Cir., 1956).

Lazar et al, v. *F.T.C.*, 240 F. (2d) 176, (7th Cir., 1957).

[19] 323 U.S. 134 (1944).

[20] *Kritzik* v. *Federal Trade Commission*, 125 F. 2d, 351 (7th Cir. 1942); *Hill* v. *Federal Trade Commission*, 124 F. 2d 104 (5th Cir. 1941).

[21] 295 U.S. 602, 625 (1935).

[22] Fuchs, Procedure in Administrative Rule-Making, 52 Harv. L. Rev. 259, 265 (1938).

[23] Dickinson, Administrative Justice—The Supremacy in Law, p. 21 (1927).

[24] *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1956).

[25] But cf. *Securities and Exchange Commission* v. *Chenery Corp.*, 332 U.S. 194 (1947).

rules would have retroactive effect; [26] whether they would be "substantive" or "interpretative"; [27] the extent to which a reviewing court will be free to substitute its judgment for that of the Commission.[28] To meet the requirements of due process, a substantive rule would necessarily be found upon clearly defined standards and the rule itself expressed in such definite terms that persons subject to it would have no doubt about its meaning. But it seems that these are largely questions relating to the ultimate effect of a particular rule or to the allowable scope of judicial review, and it is believed we should not permit such questions to obscure the need for such powers or to weaken our resolution to proceed with an appropriate test of our existing authority.

Selective and prudent use of rulemaking proceedings and their foundation upon clearly established standards after investigation may be vastly beneficial, both to the public interest and to concerned businessmen. We can envision a type of proceeding which would probe in depth such broad industry problems and which, after full observance of the procedural requirements of the Administrative Procedure Act, would terminate with a general rule prohibiting the practice. Examples immediately spring to mind of recurring problems which the Commission has handled on a case-by-case basis in the past but which might more effectively—and economically—have been approached via a substantive rulemaking route: The purchasing activities of wholesale buying groups in the automotive parts industry, fictitious pricing and deceptive guaranty practices in the watch industry, deceptive labeling of reprocessed motor oils, misrepresentations of hair restoring remedies, to list a few. If such practices were approached on a quasi-legislative basis, these could be likely advantageous:

1. The problem of equitable treatment among competitors would be simplified. At the conclusion of the whole rulemaking proceeding, in which all would have had an opportunity to participate, all members of the industry would be equally informed of the Commission's ruling as to the practice in question.

2. The existence of an authoritative, prohibitory statement by the Commission carrying with it formal, enforceable sanctions with respect to a given practice would have an extremely strong deterrent effect upon the members of the industry.

3. Subsequent quasi-judicial proceedings against recalcitrant members of the industry would be immensely simplified because these proceedings would involve only the factual issue of whether the rule had been violated. The effect of the act producing the violation would not be an issue in subsequent proceedings.

Such procedures could endow the Commission with a new, far-ranging flexibility. For example, the present case-by-case approach is cumbersome and poorly adapted in many instances to keeping pace with the commercial innovations of a dynamic economy. The regular emergence of new types of distribution outlets, new methods of distribution, new selling devices, and ever-deepening competitive pressures, finds the Commission unable to keep pace by using case-by-case method solely. It may well be argued that the administration of those statutes confided to the Commission's enforcement might be made far more effective in many instances by the use of rulemaking procedures than through disjointed, long drawn out, case-by-case adjudicative process.

Rulemaking procedures would be limited to a narrow range of practices which the Commission had reason to believe were in violation of law. In contrast to Trade Practice Conference Rules, the results—after full hearing, and subject to appropriate judicial review—would be conclusive, so far as the issue of lawfulness was concerned. Subsequent adjudicative proceedings could then be instituted against particular respondents charged with violation of the rule, and the rule would carry with it the same sanctions as would the statute itself. Thus, these rulemaking proceedings would not be aimed at a generalized restatement of the law as applied to a particular industry or at solving every industry problem in one package, but, rather, would be focused upon critical competitive problems in a particular industry as they arose. In this respect, the results would be more like Internal Revenue Service tax rulings than like our present Trade Practice Rules or Industry Guides.

The use of substantive rulemaking proceedings could mean a substantial realinement in the Commission's activities. It should be emphasized once again that these recommendations suggest no abatement in the Commission's fundamental adjudicative work; but they do contemplate a strong, new emphasis upon the solution of industry-wide problem areas through rulemaking procedures as a supplement to the Commission's present enforcement responsibilities. In fact, it is quite possible that case-by-case application of a prior fixed rule would involve a far narrower, less complicated range of issues than under the present procedures with a consequential increase in the number and effectiveness of the Commission's adjudicative efforts.

This would require more than a realinement. It would require also a competent legal and economic staff at the Commission and the sympathetic cooperation of American businessmen as well. They must appreciate the basic fact that effective antitrust enforcement is the most probusiness public policy ever developed by the genius of American democracy. Its sole objective is to insure the preservation of a competitive enterprise system. Too often businessmen miss this point. It is no accident of economic and political history that nations with truly competitive economies have never embraced totalitarian creeds, either of the fascistic or communistic variety.

A vigorous and informed antitrust enforcement program is just as important to businessmen as it is to labor, farmers, and consumers. After all, we are all in the same economic boat, and it is driven by the enterprise system. It then inevitably follows that public officials must have the economic facts necessary to make informed judgments as to how competitive processes may be preserved.

As has been mentioned earlier, the case approach to antitrust problems is not adequate for many of our problems. The great danger of relying solely on this approach is that it strikes only at individual firms and often fails to develop the economic facts necessary to develop adequate remedy. It cannot be emphasized too strongly that we must make reliable economic understanding the cornerstone of any legal edifice constructed to insure the maintenance of a competitive economy.

The case approach is especially effective when two assumptions are fulfilled: (1) a particular firm (or small group of firms) is violating a law, and (2) the economic and legal remedy is relatively simple.

The most meritorious derivative of the suggested approach to competitive problems is that it di ects attention to an entire industry rather than focusing attention solely on particular firms, and it involves an analysis of all relevant aspects of a problem rather than dealing only with symptoms. Moreover, if businessmen cooperate willingly in such undertaking, they may become partners rather than antagonists in the development of sound antitrust policies. This should avoid many of the pitfalls of becoming enmeshed in the inte minable legal processes inherent in the case approach. The adversary approach to antitrust problems too often emphasizes conflicts and differences, when what we should strive for is a harmonizing of interests.

[26] Cf. *Manhattan General Equipment Co.* v. *Commissioner*, 297 U.S. 129 (1936).

[27] Compare *Skidmore* v. *Swift & Co.*, 323 U.S. 134 (1944), with *American Telephone & Telegraph Co.* v. *U.S.*, 299 U.S. 232 (1936). See Griswold, "A Summary of the Regulations Problem," 54 Harv. L. Rev. 398, 411 (1951).

[28] " 'Interpretative' rules—as merely interpretation of statutory provisions—are subject to plenary review, whereas 'substantive rules' involve a maximum of administrative discretion." Senate Committee Print, S. Doc. No. 248, 79th Cong., 2d sess., p. 18 (1946).

THE DU PONT CASE

The SPEAKER. Under previous order of the House the gentleman from Missouri [Mr. CURTIS] is recognized for 15 minutes.

Mr. CURTIS of Missouri. Mr. Speaker, there are reports that pressure is being exerted in the other body to move H.R. 8847, a bill to provide relief to individual Du Pont stockholders receiving distributions of General Motors stock as the result of the May 22, 1961, Supreme Court order that Du Pont must divest itself of its 63 million shares of General Motors stock within 10 years. This divestiture order is the result of a decision of the Supreme Court that Du Pont's holdings of General Motors stock is in violation of the Clayton Antitrust Act.

H.R. 8847 has had an unusual legislative history. Although the Supreme Court ruling holding that the divestiture must proceed was as recent as May 22, 1961, and the matter is still within the discretion of the district court as to just when the divestiture must proceed the issue of the tax treatment of involuntary divestitures resulting from antitrust decrees is not new nor are tax issues in the Du Pont case new. Congress could have acted generally in this area since 1957.

There is no justification for the hasty manner in which the issues involved in the Du Pont divestiture have been considered by the Ways and Means Committee and the House of Representatives.

Actually the issues are not complex, nor are the alternative courses of action complex.

What seem to be the true issues are becoming alarmingly clear. Is the Congress of the United States to become a court of appeals for powerful economic forces seeking special privilege? Are we going to have government by law which relates to general situations or are we going to have government for special groups and special cases?

There was a time when the people could count on the fourth estate, the press, to alert them to the attempts which are made from time to time to provide government by men instead of government by law.

In this instance it appears as if the press is in cahoots with the operation. Why else has there been such minimal reporting of the unusual aspects of the

handling of this legislation and the failure to report what some of us have pointed out are the basic issues?

I am not unfriendly to the claim of inequity by the Du Pont Co. which would result if the divestiture order went through as presently ordered. I am not one who feels that the decision of the Supreme Court, which declared the Du Pont holdings of General Motors stock was a violation of the Sherman Anti-Trust Act, was a proper or a wise decision.

Why then did I at 8 o'clock on the evening of September 19, 1961, take the floor of the House to oppose the passage of H.R. 8847? My reasons were stated then and may be read verbatim as given without change in the CONGRESSIONAL RECORD, volume 107, part 15, page 20323. Why did the press fail to report the points I tried to drive home at this time?

Why does Congressional Quarterly, which devotes two pages in the January 12, 1962, issue to the Du Pont case, fail to refer to these points, indeed fail to even point out that these points were advanced?

I shall mention the unusual procedural aspects followed, and then move to the substantive issues involved. The Ways and Means Committee made little or no attempt to consider the Du Pont case as an example which suggested amending our basic law in respect to the tax treatment of involuntary divestitures resulting from antitrust violation decrees by the courts where criminality was not involved. The representatives of the Treasury Department who sat in the executive sessions in considering this legislation made no effort to relate the specific case to general law. The Justice Department officials had little or no comment to make on how legislation of this nature would bear upon antitrust enforcement, or whether the specific case indicated that the antitrust laws required amendment.

The Ways and Means Committee voted out H.R. 8847, which at least was couched in language which made it general law even though the specifications were such that the bill in effect applied only to the Du Pont situation. The Rules Committee granted a rule on this bill.

Word came down from the Justice Department to the Du Pont interests that H.R. 8847 was too broad and it would be vetoed unless it were amended to explicitly relate only to the Du Pont case. The Ways and Means Committee was called into unusual session to adopt an amendment which restricted the bill by name to the Du Pont case in accordance with the Attorney General's dictate.

There was no time for a dissenting Member—and my dissent to the entire handling of this matter was a matter of record—to prepare and file minority views.

The bill came on the floor of the House late in the evening, late in the session, in a climate that was hardly conducive to careful review and consideration.

Now to the issues. First, the only taxpayers benefiting from H.R. 8847 are taxpayers who are in an income bracket above 25 percent. The capital gain treatment of 25 percent, of course, only benefits taxpayers in the higher income brackets.

The impact upon the market value of General Motors stock from an unloading of large quantities of shares will not affect an investor who has bought and is holding General Motors shares as an investment. It will, it is true, affect a stockholder who is holding General Motors stock as a speculation. The bulk of the stockholders, particularly in the lower income brackets, are investors—not speculators. I am not speaking against stock speculation. I believe it has an important part to play in keeping a sound and free market. However, I would point out that speculation must contemplate all manner of changes—economic, political, as well as social. I see no justification for special congressional action to relieve a speculator of some of the risk he has assumed. On the contrary, I see strong reasons against such action.

I am concerned about stockholders in the higher income brackets who are essentially investors and the inequity a forced sale imposes upon them. The primary inequity results from the impact of post-World War II inflation on the capital gain their holdings will reflect. However, I must state that the damage done by inflation locking in investment is damaging all holders of securities acquired before 1945 and adversely affecting our entire economy. There is a legitimate case of inequity on the part of the higher bracket taxpayers who hold Du Pont and General Motors stock.

The only point I am making is that it is wrong to appeal to the public or anyone else on the grounds that it is the little investor who will be damaged if this legislation does not pass.

I am quite aware of the need for trying to tone down the demagogs who would be in full hue and cry if it was publicly known that this bill was only for the benefit of higher income taxpayers. This is one of the tragedies that we face today in considering intelligently much of the legislation presented to the Congress.

However, I believe it is important that demagoguery be faced frontally, not through the employment of deceit.

My suggestion for amending the involuntary divestiture section of the tax code is quite simple. Permit the district court judge who has found that an antitrust violation has occurred and has already the authority to order the terms of a divestiture to also state the tax incidence the divestiture is to receive, ordinary income or capital gain treatment.

The district judge is the one who has gone into the equities of the specific case of antitrust violation. He stretches out the period for allowing divestiture or shortens it out depending upon the economic impact and the equities involved. It is no strain to the tax law to permit him to state the terms of tax treatment as ordinary income or capital gain the divested investment should receive.

As it is, we have pending before Ways and Means other cases of involuntary divestitures resulting from antitrust violations. Under the precedence of H.R. 8847, if it becomes law, each party involved will have to go hat in hand to the Justice Department to receive an assurance of no Presidential veto and then try to get Congress to pass a special bill of relief.

This is government by men, not government by law. Its implications are dangerous and sinister.

TELECASTING, BROADCASTING, AND PHOTOGRAPHING PUBLIC COMMITTEE HEARINGS OF THE HOUSE

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. MEADER] is recognized for 10 minutes.

Mr. MEADER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, earlier this afternoon I announced that I intended on tomorrow to discuss the Rules of the House insofar as they relate to the authority of committees to permit telecasting, broadcasting, and photographing of their public hearings.

Subsequently, after conferring with the Speaker, it seemed it might be appropriate to raise the parliamentary inquiry tomorrow; and I shall seek recognition as soon after the commencement of the session tomorrow as possible for the purpose of propounding a parliamentary inquiry on this subject.

So that Members may be advised, I intend under permission granted to incorporate in my remarks a brief which I prepared and delivered to the Speaker on Friday last in which I set forth my interpretation of the rules and the precedents insofar as they bear upon this question; and also set forth my reasons for the belief that this authority in committees to permit the telecasting and broadcasting of their public hearings is in the public interest.

I have discussed this question informally with Speaker MCCORMACK and in correspondence with him, a copy of which I incorporate at this point in my remarks:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 12, 1962.

Hon. GEORGE MEADER,
U.S. House of Representatives,
Washington, D.C.

DEAR GEORGE: I am in receipt of your letter of January 5, with enclosures, also your letter of January 12, with enclosures, in relation to "authority of House committees to permit news coverage of their public hearings by telecasting, broadcasting, and photography * * *" which I shall read and study with special interest. As you can appreciate, I am not in a position at the present time to give a specific answer to the question raised by you in your two letters and enclosures. However, your views as expressed in your letters and enclosures will receive my serious consideration and attention.

With kind personal regards, I am,

Sincerely yours,

JOHN W. MCCORMACK, *Speaker.*

JANUARY 12, 1962.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In my letter to you of January 5, 1962, concerning the authority of House committees to permit news coverage of their public hearings by telecasting, broadcasting, and photography, I indicated that I would submit a brief in support of my contention that House rules vest such power in committees.

I enclose herewith the brief referred to and will shortly discuss with you an appropriate time to raise this parliamentary question.

Sincerely,

GEORGE MEADER.

JANUARY 5, 1962.

Hon. JOHN W. MCCORMACK,
Washington, D.C.

DEAR JOHN: As I told you over the phone yesterday afternoon, it is my intention to request a parliamentary ruling early in the coming session on the authority of House committees to permit news coverage of their public hearings by telecasting, broadcasting and photography.

As you know, I have taken an interest in this subject during my entire service in the House and propounded a parliamentary inquiry to Speaker Rayburn early in the 84th Congress. When Speaker Rayburn ruled adversely, I sought to clarify any doubt in the rules of the House by offering resolutions to amend the rules.

February 22 of last year I testified in support of my resolution before the Rules Committee. Enclosed are tearsheets from the CONGRESSIONAL RECORD of February 17, 1961 and February 23, 1961, containing a discussion of this subject and also a copy of House Resolution 173.

So far as I can recall, in your capacity as majority leader you did not participate in any of these discussions, and I am unaware of your personal views on the desirability of television, radio, and photographic coverage of public hearings of House committees. I hope you will agree that such coverage is in the public interest and that the House rules now authorize committees in their discretion to allow such coverage of their public hearings. In the event you are of the opinion that the existing language in House rules does not authorize committees to permit such news coverage, I hope you will support a clarification in the way of an amendment to the rules.

As I mentioned to you, I have also discussed this matter with CONGRESSMAN FRANCIS WALTER who advised me he had also spoken with you and believed that television, radio, and photographic coverage of House committee public hearings not only was desirable but that it was permissible under the rules of the House as they now stand.

Before propounding a parliamentary inquiry, of which, of course, I would give you ample notice, I hope to prepare a brief in support of my contention that the rules and precedents of the House can properly be interpreted to authorize House committees to permit news coverage of their public hearings by all forms and media of communciation.

Sincerely,

GEORGE MEADER.

The brief is in two parts, and I will now read it. I hope Members will concern themselves with this very important question:

May Committees of the House of Representatives, in their discretion, permit telecasting, broadcasting, and photography of their public hearings?

I believe the above question should be answered "yes." In support of this conclusion, I submit the following:

I. FULL AND ACCURATE REPORTING OF HOUSE COMMITTEE PUBLIC HEARINGS IS IN THE PUBLIC INTEREST

Under our system of government, ultimate decisions on national policy are made by sovereign citizens through their participation in the election process and through their elected representatives. This system depends for its success upon complete and accurate information being available to the electorate about the public business.

Any measures which help to provide full and accurate information to the public contribute to the formulation of a sound, factual foundation for public opinion and wise decisions by the people. Conversely, anything which obstructs or inhibits the flow of information about public business to the electorate tends to create a distorted or incomplete factual foundation for public opinion and invites unwise decisions.

Accordingly, it would seem clearly in the public interest to permit the full and free use of modern media of communication, including telecasting, broadcasting, and still and motion photography, to provide information to the public concerning the public hearings of House committees.

This is particularly true in our modern society where the activities of our Federal Government have become expanded and complex, and where the legislative branch is required more and more to depend upon the specialization that is possible only through the committee system to engage in serious and penetrating study of specific national problems.

The committee hearing is the public forum where Government officials, spokesmen for associations, and groups, and individual citizens can present their facts, their arguments, and their views on questions of national interest. The conflicting points of view, the interchange between members and witnesses, and the very manner in which the committee develops a factual record for consideration of proposed legislation are matters which the American public is entitled to know fully and accurately.

The use of telecasting, broadcasting, and photography at public hearings to inform the public about the activities of House committees will promote public knowledge of House committees and their work and thus enhance the prestige and the influence on our national life of what has been described as the greatest parliamentary body in the world's history.

It is a peculiar quirk of the human mind that what one does not know about, for that person does not exist. To the extent a blackout or a partial blackout is maintained over the activities of House committees, the public knowledge, and acceptance of the work of the House is diminished and, in comparison with other agencies of our Federal Government, its prestige, its influence, and its importance suffer.

Both President Eisenhower and President Kennedy have effectively utilized televised press conferences to inform the public of their activities and their views and thus to influence public opinion. Committees of the U.S. Senate, which has no inhibition against telecasting and broadcasting committee hearings, have become familiar to every household in America. Why should the House of Representatives deny itself the use of modern media of communication to let the American people know what it is doing and how it is studying the problems of the Nation in its public committee hearings?

It seems to me beyond question that it is in the public interest that House committees be allowed, in their discretion, to permit coverage of their public hearings by all media of communication, including telecasting, broadcasting, and still and motion photography.

II. HOUSE RULES AUTHORIZE COMMITTEES TO ALLOW THE UTILIZATION OF ALL MEDIA OF COMMUNICATION TO REPORT THEIR PUBLIC HEARINGS

It is my contention that the rules of the House invest in committees jurisdiction to allow the coverage of their public hearings by all media of communication, which in the previous section of this brief, I have demonstrated was clearly in the public interest.

Rule XI. Clause 26 (a). The rules of the House are the rules of its committees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees. Committees may adopt additional rules not inconsistent therewith.

Rule XI. Clause 26(g). All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for making up bills or for voting or where the committee by a majority vote orders an executive session.

It is my contention that the Legislative Reorganization Act of 1946, which was made a part of the Standing Rules of the House on January 3, 1953, requires "all hearings conducted by standing committees or their subcommittees" to be open to the public. Coupled with the authority in rule XI 26(a) to "adopt additional rules not inconsistent with House rules," a committee is clothed with sufficiently broad authority, not only to permit citizens to be present in person as spectators, but to permit representatives of the press, television, radio, and photography not only to be present as spectators, but to employ their particular media of communication in reporting to the public the hearings of the committee, subject of course, to such limitations, conditions, and regulations as the committee, in its judgment, may see fit to impose.

The foregoing interpretation of the rules would seem to be reasonable and fair.

Unfortunately, however, the parliamentary rulings of the last 10 years have cast doubt on what would at first seem to be proper application of clear language of the House rules.

PAST PARLIAMENTARY RULINGS

In the 82d Congress the Speaker, Mr. Rayburn, in answer to a parliamentary inquiry propounded by the then minority leader, Mr. MARTIN of Massachusetts,

ruled that committees had no power to authorize telecasting or broadcasting of their public hearings on the grounds that the rules of the House, which are expressly made the rules of its committees, are silent and do not expressly authorize committees to permit telecasting and broadcasting of their hearings.

The parliamentary inquiry and the ruling on it were prompted by hearings being held at that time by the House Un-American Activities Committee in the city of Detroit. Until the Speaker's ruling was made, that committee had permitted its proceedings to be televised and broadcast—see CONGRESSIONAL RECORD, volume 98, part 1, pages 1334–1335.

At this point, I include the text of the proceedings containing the parliamentary ruling referred to above:

TELEVISING OF COMMITTEE HEARINGS

Mr. MARTIN of Massachusetts. Mr. Speaker, I rise to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, several days ago the Committee on Un-American Activities called a meeting to be held in Detroit and, I understand, voted to have those hearings televised.

I now understand that the televising of the hearings has been canceled. I understand further that the Speaker, in whom we all have great confidence, has taken the position he has the authority under the rules of the House to call off the televising of the hearings.

I also understand that the Speaker justifies his decision on the ground that the Committee on Un-American Activities operates under the general rules of the House, which of course is true. The general rules of the House give the Speaker the right or privilege of passing upon television, radio, or anything photographic, as far as the House is concerned. But I question, Mr. Speaker, whether this authority would apply to a hearing held in Detroit.

I call the Speaker's attention to the fact that under section 319, Secrecy of Committee Procedure, there is the following quotation:

"It is for the committee to determine, in its discretion, whether the proceedings of the committee shall be open or not."

From that provision under section 319 it is clearly implied that the committee shall be the judge of what publicity it might desire. Furthermore, in my opinion, it is more of an authority than the Speaker could assume under the general rules of the House.

I note also under the rule, under which, as I understand it, the order to prevent the Detroit television was given, it is stated that—

"The rules of the House are hereby made the rules of its standing committee so far as applicable."

I believe it would be stretching authority considerably to say that because of this rule the Speaker has the right to interpose his own power over a committee as to its own publicity. It could, I am free to admit, be well argued that the chairman of the committee acting as head might have the authority.

May I also call attention that television was used by the subcommittee investigating the tax scandals; the Madden Select Committee Investigating the Atrocities Relative to the Katyn Massacre; the Hébert Subcommittee Investigating Armed Services Procurements, and the Un-American Activities Committee itself in investigating the Reds in Hollywood. In the Senate there has been the Kefauver committee, the Atomic Energy Committee, the District of Columbia Committee, and the Russell committee. All those decisions to televise were made by the committees themselves.

Mr. Speaker, for clarification of the rules and so that we may understand what may be expected from now on, I submit my parliamentary inquiry.

Mr. RANKIN. Mr. Speaker, I would like to be heard.

The SPEAKER. The gentleman cannot be heard on the parliamentary inquiry of the gentleman from Massachusetts.

Mr. RANKIN. Mr. Speaker, I would like to answer his parliamentary inquiry.

The SPEAKER. The Chair is ready to rule.

The gentleman from Massachusetts, as always, has been kind enough to inform the Chair that he was going to submit this parliamentary inquiry.

It is true that some committees and some subcommittees of the House have begun the practice of having their hearings and their meetings televised; but in each and every instance when the Chair has called attention to the fact that he did not think the rules of the House authorized this, each and every chairman of a committee or subcommittee has ceased doing so at that moment, as far as the Chair understands at this time.

The Chair is operating under the rules of the House. One of the rules reads as follows:

"The rules of the House are hereby made the rules of its standing committees so far as applicable."

There is no authority, and as far as the Chair knows, there is no rule granting the privilege of television of the House of Representatives, and the Chair interprets that as applying to these committees or subcommittees, whether they sit in Washington or eslewhere. As the gentleman from Massachusetts says, the Chair, whoever is the Speaker, has control of this end of the Capitol and the House Office Buildings. There being no rule with reference to television or radio the Chair interprets that the rules of the House shall apply to the committees whether they sit in Washington or outside of Washington. The Chair might indulge in a slight amount of histronics in saying that if committees all wanted to be televised, and they were not allowed to be televised under the rules of the House in the Capitol or in the House Office Buildings, why they would probably move out of town and think that they would escape the rule, or make a rule in that fashion.

Mr. MARTIN of Massachusetts. Mr. Speaker, I appreciate that this is a twilight zone which has not been clearly defined as to just what authority the Speaker might have, and I think we should at the earliest possible moment, have some definite rule established. I want to say, too, in fairness to the Speaker, that there have been instances—not this particular one—that called for his disapproval of broadcasting. In other words the decision did not come just upon the Detroit broadcast.

The SPEAKER. In every instance the Chair has held exactly like he has regarding this proposed hearing in Detroit.

Mr. MARTIN of Massachusetts. I think television and broadcasting is here to stay and will probably increase in popularity as the days go by. For that reason we should have revision of the rules to define authority.

The SPEAKER. If the House adopts a rule, the Chair will abide by and enforce it, like he does all of the Rules of the House of Representatives.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. In order to do that we would have to amend the rules of the House.

The SPEAKER. That is correct.

Mr. RANKIN. The Chair was simply calling attention to the rules of the House which do not permit this television in the House of Representatives or in any committee of the House of Representatives, and the Chair is entirely right about that.

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentleman will yield, it is not quite as clear as all that.

Mr. RANKIN. I hope the rule will never be changed, myself.

In the 83d Congress under Speaker MARTIN, of Massachusetts, without any formal ruling, House committees were authorized to permit telecasting and broadcasting of their proceedings and did, in fact, allow such broadcasting and telecasting and other reporting of their proceedings by photography, moving pictures, and so forth.

In the 84th Congress—CONGRESSIONAL RECORD, volume 101, part 1, page 628—I propounded a parliamentary inquiry to the Speaker, Mr. Rayburn, as a result of which the Speaker ruled that committees were not authorized to permit telecasting or broadcasting or photographic coverage of their committee proceedings.

At this point, I include the text of the proceedings containing the parliamentary ruling referred to above:

TELEVISING AND BROADCASTING OF COMMITTEE HEARINGS

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. MEADER. I desire to propound a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MEADER. With the 84th Congress now organizing its committees, it seems to me important to have a clear ruling on the authority of committees to disseminate or permit the dissemination of news of their hearings and proceedings.

By way of background, I might say that this question was raised by the present minority leader in the 82d Congress on the 25th of February 1952. At that time the Speaker expressed the opinion that the rules of the House did not now authorize committees to permit radio and television coverage of their public hearings. I should like to propound that same inquiry but ask for a little greater clarification as to just what news coverage is permissible under the rules of the House of committee public hearings, whether news reporters are permitted to be present; whether photographers taking still pictures are permitted to be present; whether motion picture cameras for newsreal purposes with sound are permitted to be present; whether live radio broadcasting or telecasting or recorded radio broadcasting are permissible.

The SPEAKER. The Chair is ready to rule and also make a statement. Something along along the same line was propounded to the present occupant of the chair by the gentleman from Massachusetts [Mr. MARTIN] February 28, 1952.

Rule XI of the House provides that the rules of the House of Representatives shall be the rules of the committees of the House of Representatives so far as applicable. The Chair does not think anyone would contend that the House of Representatives is authorized to televise its proceedings or put them on the radio. The Chair held at that time that this was outside of the rules and also held in response to another inquiry that a committee sitting outside of Washington was under the same rules as a committee inside of Washington, and the Chair held that it was controlled by the same rules.

There is nothing new with reference to this, because the same rules are in effect now in the House of Representatives as they were on February 25, 1952, and until the rules are changed, which would have to come from a resolution reported by the Committee on Rules and adopted by the House changing

the rules of the House, the Chair still thinks that it is not in accordance with the rules of the House of Representatives or its committees to televise or broadcast hearings or actions before any committee of the House, and so holds and will hold unless and until the rules of the House are amended.

Mr. HOFFMAN of Michigan. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN of Michigan. Perhaps due to my lack of understanding, does the Chair then hold that a regular standing committee of the House cannot authorize broadcasting either by radio or television of its hearings?

The SPEAKER. That is what the Chair held in 1952 and that is what the Chair holds in 1955.

Mr. MEADER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MEADER. Will newsreel cameras be permitted to be present in the committee room during public hearings?

The SPEAKER. The reply is the same. It is the same as television.

Mr. SCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. Would the Speaker also hold that in the absence of any rule of the House on this subject committees should be required to prohibit the taking of photographs before, during, or after any committee hearing if the Speaker so directed?

The SPEAKER. That is a question to be decided by the committee. The present occupant of the chair was chairman of a committee at one time. When the photographers came in, the Chair always told them they could take pictures of the committee or anyone in the room they wanted to until the proceedings of the committee began. Then they were asked to retire, and they always did retire.

Mr. SCOTT. Is it a correct statement, then, that the matter of photographs before, during, or after committee hearings is in the discretion of the committee chairman or the duly designated presiding officer?

The SPEAKER. The Chair would hold the photographs could be taken before and after the proceedings, but not during them.

Mr. SCOTT. I thank the Chair.

It is apparent that both of Speaker Rayburn's rulings were based upon the following theory:

First. That the rules of the House are the rules of its committees.

Second. That the rules of the House are silent and do not expressly authorize telecasting, broadcasting, and photography of House proceedings.

Third. Thus, the rules do not authorize a committee to permit telecasting, broadcasting, and photography of its public hearings.

I wish to analyze these propositions one by one and suggest considerations which, in my judgment, would justify a more liberal parliamentary ruling on this question.

The first proposition of Speaker Rayburn's theory, it seems to me should be modified as follows:

First, it is, of course, true that rule XI provides that the rules of the House shall "so far as applicable, be the rules of the committee." The words "so far as applicable" should not be overlooked and differences between the functions of committees and the functions of the House, itself, particularly as they relate to the conduct of public hearings, should be considered.

The House, itself, does not conduct hearings, as such, except in unusual circumstances such as contempt proceedings, and no one who is not a Member or officer of the House is permitted to participate in House debates or actions.

A committee, on the contrary, calls before it officials of the Government, representatives of associations or groups, or individual citizens who may appear either voluntarily, or involuntarily pursuant to subpena.

A committee hearing is a public forum in which the citizen is afforded an opportunity to express his views on national policy. It is a factfinding proceeding wherein the committee seeks to develop the facts and arguments as a foundation for the formulation of national policy and as a basis for the recommendation that it will make to the House on proposed legislation.

This basic difference, it seems to me, might well justify a holding that the rules of the House, which by their silence (if indeed they are silent), fail to authorize telecasting and broadcasting of the proceedings of the House, itself, where the public participates only as silent spectators, are not applicable to the public hearings of committees.

This is particularly so, it seems to me, when we take account of the mandatory requirement of rule XI 26(g) that all hearings conducted by standing committees or their subcommittees shall be open to the public; and the additional provision of rule XI 26(a) that the committees may adopt additional rules not inconsistent with House rules.

There are other provisions of rule XI 26, which seem to recognize a distinction between the functioning of the conduct of a public hearing of a committee and the function of debating, amending, and voting upon a bill in the House of Representatives.

Rule XI 26(h) authorizes a committee to establish a quorum for taking of testimony of as few as two members, even though a quorum for taking committee action would require the physical presence of a majority of the whole committee.

Rule XI 26(i) requires the chairman to make an opening statement describing the subject of the investigation.

Rule XI 26(j) requires the committee to make available copies of paragraph 26 of rule XI of the House rules and any additional committee rules which have been adopted.

Rule XI 26(k) authorizes witnesses at investigative hearings to be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

Under rule XI 26(l) the chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

It is possibly worth noting that many of the provisions cited above were contained in the so-called Doyle resolution adopted by the House, March 23, 1955, 2 months after the most recent of the two rulings Speaker Rayburn made as quoted above, January 24, 1955.

Second, it seems to me that the principle of interpretation employed by Speaker Rayburn in basing his ruling on the absence of express authorization in House rules concerning the conduct of committee public hearings and the news coverage thereof, if followed consistently, could produce a rigidity and inflexibility in the rules of the House which might well impair the ability of the House, through its majority, to work its will. If Chief Justice John Marshall had interpreted the U.S. Constitution in this fashion, either the growth of our National Government would have been impaired, or we would have found our Constitution flooded with a host of amendments on all conceivable subjects.

House Rules are described by Lewis Deschler, House Parliamentarian, as "perhaps the most finely adjusted, scientifically balanced, and highly technical rules of any parliamentary body in the world." I believe they are still sufficiently flexible to be susceptible of interpretation, which takes account of new discoveries in our national economy. Radio broadcasting and telecasting are probably the most important developments in the rapid and accurate dissemination of news which have occurred in the history of mankind.

Consider the problems which would have arisen if our U.S. Constitution, in referring to armies and a navy, had been interpreted so strictly as to require amendment before our Government could have established an air force or engaged in the development of missiles, rockets and space exploration.

Third, Speaker Rayburn's ruling seems to be based upon the assumption that the rules are silent and give no express authorization for broadcasting or telecasting proceedings of the House.

It certainly is true that the Rules of the House do not in so many words expressly empower the Speaker to permit the telecasting and broadcasting of House procedings. There are, however, passages in the rules governing the conduct of proceedings in the House Chamber, in addition to the general authority of the Speaker as the principal officer of the House, which as I view them, could properly be interpreted as vesting in the Speaker the power, in his discretion, to permit the telecasting and broadcasting of proceedings of the House.

Rule I, clause 2 provides that the Speaker shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. Clause 3 provides that the Speaker shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order.

The foregoing would seem to vest extremely broad authority in the Speaker over the conduct of the proceedings in the House of Representatives. The provision of general control of the Hall of the House would seem to be sufficiently broad to permit, as this power has actually been employed in joint sessions, joint meetings and in the

opening of a new session of Congress, the live telecasting and broadcasting of proceedings in the Hall of the House.

The resolutions providing for joint sessions or joint meetings uniformly have been silent on whether or not such proceedings could be telecast, broadcast, or photographed. Therefore, the authority for such coverage of joint meetings, joint sessions, and opening sessions of the House must find their authority, if such coverage is authorized and lawful, in the power of the Speaker to exercise general control over the Hall of the House or possibly in those rules which, under the Speaker's discretion, provide radio, television, and photography space for the press.

Rule XXXIV, clause 2 provides:

Such portion of the Gallery over the Speaker's chair as may be necessary to accommodate representatives of the press wishing to report debates and proceedings shall be set aside for their use, and reputable reporters and correspondents shall be admitted thereto under such regulations as the Speaker may from time to time prescribe; and the supervision of such gallery, including the designation of its employees, shall be vested in the standing committee of correspondents, subject to the direction and control of the Speaker; and the Speaker may assign one seat on the floor to Associated Press reporters, one to the International News Service, and one to the United Press Associations, and regulate the occupation of the same. And the Speaker may admit to the floor, under such regulations as he may prescribe, one additional representative of each press association.

Rule XXXIV, clause 3 provides:

Such portion of the Gallery of the House of Representatives as may be necessary to accommodate reporters of news to be disseminated by radio, wireless and similar means of transmission, wishing to report debates and proceedings, shall be set aside for their use, and reputable reporters thus engaged shall be admitted thereto under such regulations as the Speaker may from time to time prescribe; and the supervision of such gallery, including the designation of its employees, shall be vested in the standing committee of radio reporters, subject to the direction and control of the Speaker; and the Speaker may admit to the floor, under such regulations as he may prescribe, one representative of the National Broadcasting Company, one of the Columbia Broadcasting System, one of the Mutual Broadcasting System, and one of the Transradio Press Service.

The fact that Speakers, in the past, have not seen fit to authorize telecasting and broadcasting or photography of the proceedings of the House, itself, with the possible exception of the opening of a session of Congress, but have permitted broadcasting, telecasting, and photography of joint sessions and joint meetings, to my mind, indicates that the authority exists in the Speaker and in his discretion he has employed it on some occasions and refrained from employing it on others. If this is a valid interpretation of the rules, then it is clear that committees likewise, in their control over the committee room and the proceedings of the committee and the maintenance of order, would have the discretion to allow telecasting and broadcasting and photography in some instances, and refuse to allow it in others.

The only reference to this subject in the precedents of the House other than the rulings above discussed is found in Cannon's Precedents, volume 8, page 968, section 3633, relating to amplifying devices in the Hall of the House in which it is noted that "radio facilities for broadcasting the proceedings of the House were also installed at this time and after brief tests were discontinued."

I understand that when the House Chamber was remodeled, sound amplification facilities were installed as a permanent part of the equipment of the House Chamber and that two lines run from the microphone to an outlet near the clock opposite the Speaker's desk from which, through a multiple device, all radio, television, and sound track for photography equipment receive their sound signals. I further understand that at the time of remodeling of the House Chamber there was a permanent installation of lights at the expense of the Capitol to provide adequate lighting for photography and television.

CONCLUSION

I fully realize there is a natural inclination to follow the precedents already established, especially when they were rulings of our late beloved Speaker Sam Rayburn, and in this connection desire to make the following observations:

First. The question of interpretation of the rules in this instance is one in which reasonable men might well differ. In fact, there have been contrary rulings by the two most recent Speakers. While Speaker MARTIN'S ruling was not a formal one in the 83d Congress, committees did, in fact, permit telecasting, broadcasting, and photography of their proceedings with the informal approval of the Speaker, and no Member propounded a parliamentary inquiry during Speaker MARTIN'S tenure. This would seem to indicate that those who favored such authority in committees would have no occasion to propound an inquiry and those who opposed such authority did not see fit to raise the question.

Second. Subsequent to the last parliamentary ruling, the House adopted a resolution amending the rules of the House with relation to committees and the conduct of their hearings known as the Doyle resolution which is referred to in an earlier part of this brief in some detail. It would seem appropriate to reexamine the pertinent provisions of House rules in the light of the adoption of the Doyle resolution which spelled out in many respects the authority of House committees and their chairmen in the conduct of public committee hearings.

Third. Broadcasting and telecasting and newsreel photography have taken great strides as media of dissemination of news in the 7 years since the ruling of January 24, 1955.

According to figures published by the Advertising Research Foundation using Bureau of Census information, 67 percent of the households in the United States had television sets in 1955 and by 1960, this number had increased to 87.5 percent.

In this period the use of television for coverage of public events and the activities and views of public officials has found ever-increasing public interest. The telecasting of the proceedings of the United Nations and its committees, telecasting of Presidential news conferences and the coverage of political party conventions are outstanding examples of the use of these media of communications to permit the American people to learn about public proceedings and the public issues involved.

No one can question the basic proposition that the public has a right to know about the public business. The hearings and reports of the Moss Special Subcommittee on Government Information of the House Committee on Government Operations and the news of that committee's work certainly indicate a general belief on the part of the public that they should not be excluded from or hampered in learning about the expenditure of their tax funds and the exercise of the power vested in legislative or administrative public officials.

I hope the newly elected Speaker may so interpret House rules as to effectuate this basic people's right so necessary to the sound and intelligent functioning of the process of self-government by the people through elected representatives.

SCHOOL FALLOUT SHELTERS

The SPEAKER. Under the previous order of the House the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, civil defense officials have urged the importance of preparing for possible nuclear attacks for some time. But little has been done. Two or three reasons share the responsibility for the inaction. The first reason is that many people have not been impressed with the danger. It is so utterly fantastic that it seems more like a movie or TV horror story than a grim reality. The second reason is that some people who do grasp the possibility, and who have considered the aftermath, do not wish to face the difficulties of resuming life in a wrecked society or in a society dominated by Communists. The assumption is that, if a nuclear attack does occur, it will cover most of the continent. Any individuals who survive will be isolated and forced to live underground for weeks or months. If and when they emerge, it will be into a world devoid of food, with food plants and food animals destroyed along with the more sophisticated means of production and distribution. Furthermore, it will be a world without law and order—a world of anarchy and violence. It seems hardly worth the trouble to attempt to survive an all-out nuclear attack.

The third reason for inaction in the matter of civil defense, and probably the strongest one, is that no practical program has been proposed as yet. A comprehensive program was promised some months ago, but it is still delayed and may not be available before some time in the coming calendar year. The fact is the difficulty of devising a system of shelters which would give adequate protection to a major fraction of the population is practically beyond solution.

Provision might be made for aggregations of people who spend a large part of the day in one limited area, such as factories or office buildings. But many people scatter over a considerable area in their work or other activities and, even if they had prepared a suitable shelter, they could not reach it in time after a warning. Since most people spend a large part of the time in their homes, it seems logical to reach the conclusion that every home should be provided with some kind of shelter.

At this point two special difficulties arise. Shelters for individual homes would necessarily be built at private expense. The cost of construction and of supplying the necessary provisions and facilities would be prohibitive for most families. Any protection afforded by the numerous and more or less flimsy structures offered for sale is probably highly illusory. A well-constructed building, particularly if made of masonry, might do as well. A few hundred dollars will not construct and equip a satisfactory shelter for a family. The second difficulty has to do with the morality involved excluding nonmembers of the family. In the panic of an emergency, every individual would tend to dive for the nearest shelter. It might be a matter of killing to keep him out or to gain entrance.

Unless we can find some way to go underground more or less permanently, it seems reasonable to say that protection for a great many people is out of the reach of possibility. We must resign ourselves to the probability that, in a full-scale atomic attack, many of us will perish. But it is also correct and judicious to believe that significant numbers of our people could be provided with a type of protection that would be fully adequate. No stock of missiles is in existence which could cover every spot with a direct hit, even admitting the doubtful possibility of pinpointing the accuracy of every hit. At ground zero no man-made shelter might be effective. But a few yards, or a few miles, away, practical provisions are within the reach of ingenuity and of expense. And we should hasten to provide them—now.

It is completely unnecessary to argue the point that no segment of our population is more important to preserve than our children. On them rests our hope of the future. If all adults in the country perished and our children survived, our society could go on with a vigor but little diminished.

Fortunately, protection measures for those now in the public and private schools of the country are the most practical of all to create. Some 50 million of them spend 6 or more hours daily in school. Many of these spend the remaining hours of the day within a short distance of the school they attend, and could possibly reach it after warning of an attack. A school is a miniature form of society in itself, already organized for collective action, and highly capable of evolving into a tiny full-scale government which could maintain itself for a considerable period of time, given the necessary supplies and equipment. Anybody familiar with the behavior of a normally well-disciplined school could hardly doubt that it could cope with the needs of the occasion, probably with far less panic and confusion than a heterogeneous group of unorganized adults.

Some of the details of a program for schools might be explored to see the relative ease with which effective measures for protection might be supplied. First, of course, is the matter of construction. For new school buildings, the devise that comes readily is some sort of subbasement, integral with the foundation walls of the building. For schools already in use, a separate structure contiguous to the buildings and connected with them by adequate underground passages would be called for. The cost of such construction has been estimated at from $40 to $100 per pupil. Conditions of site present so many variations that a cost figure would be difficult to determine for all schools. But it is seen that the estimated cost is within the figures for such common appurtenances as gymnasia, auditoriums, cafeterias, and the like, which are all indispensable features of modern schools. A community which unhesitatingly supplies these should not balk at providing an additional feature which might be more important to young lives than all of them.

Provision of suitable supplies for a shelter is another problem comparatively easy to solve. Considerable food is already stored in most schools for cafeteria use. It would not be difficult to store larger quantities in the shelter, withdraw some of it from time to time for cafeteria use, and immediately replace it. Concentrated emergency rations could also be stored. The total refrigeration requirements might not exceed very seriously those already supplied. For a water supply, a drilled well might be sunk in most instances. Uncontaminated air might be a more difficult problem. Some sort of filter, if a suitable one is available, would be required.

Some heat, light, and power is another requirement. The use of oil fuel for those requirements seems indicated. Small oil burners could provide heat for cooking and power to operate a small electric generator sufficient to operate communication systems and for other necessary purposes. It is extremely important that connection with the outside world should be maintained, hence a highly efficient communication system should be supplied and maintained. It might readily be a link in the nationwide network to transmit Government orders and to spread information as to conditions elsewhere in the country. Many schools already possess and use various items of scientific equipment needed to test for the presence of radioactive material and for other purposes. Such equipment should be brought up to the highest standards for anticipated needs.

A certain degree of medical and first-aid competence is still another requirement. Some schools already maintain nurses. A requirement that the teaching force develop some skill and training in these matters should not be unreasonable. In addition to the ordinary hazards of illness and accident, it might be anticipated that cases of burns and atomic fallout exposures would present themselves for treatment, and a minimum of training and equipment for dealing with them might save many lives.

And now we come to a detail which apparently has attracted little attention. In the event of an atomic attack requiring use of the shelter, those who occupy it would be cut off from the rest of the world for a period which might run into weeks or months. It is highly essential that organized government go on within the shelter. In order to assure safety for all, it might be necessary to impose an autocratic type of government. It is strongly suggested that some person within the school system should be vested by detailed and definite civil law to assume what might be called command. Presumably this person would be the principal. His successors in line should also be known and recognized by law, so that there would never be any doubt as to who was in charge. Some who are not students may be admitted to the shelter. But it should be kept in mind that the shelter is intended for the schoolchildren. Consequently it should be provided by statute that no such person should be permitted to interfere with the government and management of the shelter, even if that person should be the Governor of the State or a high Federal official. There is no room for uncertainty in an emergency, when lives are at stake. If the principal of the school is not capable of accepting the responsibility, or is unwilling to accept, he should be replaced by some one who is. He must be the captain of his ship, the commander of his army, and have similar recognized authority to act as his judgment dictates.

As was stated earlier in this argument, a school is peculiarly suited to the establishment of a miniature government. The officers of the school are accustomed to making decisions and to issuing directions and commands. The students are normally accustomed to conformity and obedience, and to at least a degree of respect for authority. Furthermore, the usual student body is readily organized to accept and carry out responsibility. It may be surprising in this supposedly undisciplined age that boys and girls in their early teens recognize emergency situations. They readily grasp the necessity for indicated action, and they carry out instructions with a higher degree of fidelity and determination than a similar group of adults. An individual in a school shelter properly constructed and equipped, and with definite arrangements for the maintenance of law and order, would be safer and more secure, and consequently with a better chance of survival, than in almost any other situation.

It is important, further, that the authority of the commander of a school shelter should extend after the time of emergency from the shelter until contact with regular lawful authority could be made, and responsibility surrendered to that authority. After an atomic attack, disorder may be the common

condition of the outside world. A well-organized school group could easily become the nucleus of restored civil government. Perhaps the shelter commanders should be furnished with sufficient force in the shape of firearms to assert their decisions. It is at least a matter for consideration.

If we are sufficiently impressed with the possibility of atomic attack to go to the expense of fallout shelters, we should not stop at halfway measures. It would be futile to dig a hole in the ground and then expect matters to take care of themselves. We should foresee every possible contingency and make every effort to meet its needs. Certainly the details offered above are minimum essentials. Their implementation may well require both Federal law and State law. There appears to be much favor for a Federal appropriation to help meet the cost. Such an appropriation, if made, should be accompanied by strict requirements that State law be enacted to make protection for schoolchildren complete. Unfortunately, the danger is not a mere temporary one. It is possible that the rash of crises breaking out in all parts of the world may be soothed without resort to war. But there is nothing in sight to offer hope of permanent freedom from danger. The evil genius of the atomic bomb, once released from the bottle, can never be reconfined. It will haunt the dreams of our children and our children's children for generations to come. We need protection now, and if the cost of protection is wisely spent it will be a permanent investment in security.

FUTURE OF IRON ORE MINES ON GOGEBIC IRON RANGE IN WISCONSIN AND MICHIGAN

Mr. BARRY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD, and revise and extend his remarks, and include a resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAIRD. Mr. Speaker, on Tuesday, December 19, the Wisconsin State Senate passed Joint Resolution 141A. This resolution had been passed by the Wisconsin Assembly on December 18. State Senator Clifford W. Krueger has written me asking that this joint resolution as passed by the Wisconsin State Legislature be made a part of the CONGRESSIONAL RECORD.

Under unanimous consent I include Joint Resolution 141A, memorializing Congress regarding an investigation of the problems affecting the future of the iron ore mines on the Gogebic Iron Range in northern Wisconsin and Upper Peninsula of Michigan, in the body of the RECORD.

The resolution is as follows:

Whereas the majority of the deep shaft iron mines on the Gogebic Iron Range have ceased operations, thereby creating a serious economic hardship on the peoples and the communities involved; and

Whereas the future of the remaining mines is extremely doubtful, thereby creating an ever-increasing unemployment problem; and

Whereas we strongly believe that these mines must be kept operative and competitive in the national interest as well as in the local economic interest; and

Whereas it has been proved that there exist tremendous reserves of iron ore in the Gogebic Iron Range, which ore can be beneficiated and pelletized, thereby creating a product which is in demand by the steel companies; and

Whereas these processes of beneficiation and pelletizing demand large quantities of low-cost fuel which is not now available in the immediate area: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin request the Congress of the United States to name a committee to investigate the problems and the causes of the economic decline of the Gogebic Iron Range, as reviewed herein and seek a satisfactory solution to these problems to the end that the economic health of the area be restored; and be it further

Resolved, That copies of this resolution be submitted to the President of the United States, the Governors of Wisconsin and Michigan, the U.S. Senators and Representatives of the States of Michigan and Wisconsin and the House and Senate of the State of Michigan.

DISCRIMINATION IN WASHINGTON CLUBS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ZELENKO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ZELENKO. Mr. Speaker, I have today introduced a bill to amend certain laws which apply in the District of Columbia to deny benefits under those laws to any corporation, group, society, association, or other organization which in its operation discriminates among individuals on the basis of race or color.

The deplorable practice of certain groups, societies, and associations in the District of Columbia which practice discrimination are hindering the efforts of this administration and Government in our ceaseless effort to project an image of true democracy throughout the world. It is particularly harmful when such un-American practices are permitted to take place in our Nation's Capital and by groups which claim as members, leaders in public and private life. The time has come to take affirmative and aggressive action at once to eliminate these last vestiges of segregation at the seat of our Government.

This legislation would deny to organizations practicing discrimination such governmental benefits as the granting of liquor licenses, exemptions from real estate tax, exemptions from personal property tax, and issuance of certificates of occupancy.

I strongly urge my colleagues to support this legislation and earnestly request that it be given early and favorable consideration by Congress.

CONGRESS: THE LAWMAKING BODY

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, during the adjournment period I devoted several issues of my weekly newsletter, Reporting From Washington, to a discussion of our procedures for considering and passing bills here in the U.S. Congress. My first letter on this subject was entitled "How Do Bills Become Law?" It was followed by a series of four letters describing the standing committees of the House that have the really heavy work of legislation. Since the publication of the letters I have had requests for copies from various schools, libraries, and individuals in my district. Believing there may be others who would be interested in having this information, I, under unanimous consent, include the five letters in the RECORD herewith:

HOW DO BILLS BECOME LAW?

NOVEMBER 11, 1961.

It isn't too simple a process, you know. In the first place there are at least 10,000 bills introduced every year. During the 1st session of the 87th Congress, which adjourned on September 27, 1961, 685 became law. I can give you no more here than a capsule review of the complicated process that very often changes a bill so much from the day it is introduced to the day of passage that you would hardly recognize it again. So many people have their fingers in the pie. So many sides of it must be given earnest study. It is a slow process—but that very fact more often than not protects us from the unwisdom of hasty decision.

A bill may be introduced by a Congressman or Senator at any time while Congress is actually in session. The bill is simply placed in the hopper next to the Clerk's desk. It is then referred by the Speaker to the appropriate committee which holds public hearings and studies all aspects of the bill in executive session. Consideration by the committee depends upon the will of the chairman. Many bills are handed to subcommittees and are given intensive study and consideration before being reported to the full committee. The full committee in turn considers the bill and decides whether to report it out for consideration on the floor of the House.

Bills are seldom considered without a previous report from the Bureau of the Budget and the department or agency that would be concerned with the bill once it becomes law.

When the full committee has voted the bill out, a report is submitted and in most instances the hearings are printed and made available. The report explains the purpose and anticipated effect of the proposal and may also include differing views of the individual committee members.

The measure is then sent to the Rules Committee and a rule is requested which will prescribe the length of time allowed for debate, and any other limitations under which it is to be considered, such as whether amendments may be offered on the floor by any member or only by members of the committee which reported the bill.

The bill is then assigned a place on the calendar, and in due course is called up for

debate on the House floor. The House resolves itself into the Committee of the Whole House for consideration of the bill. After the allotted time for general debate, amendments are submitted, argued, and voted upon. Then the Committee of the Whole rises and the Speaker resumes the chair. A roll call vote on sundry controversial amendments may be taken before final passage.

Then the bill goes to the Senate where it is put through somewhat the same process. If the House and Senate bills are in disagreement, a conference takes place and when agreement is reached a conference report is filed which must be voted on in both Houses. Then the final bill goes to the White House for the President's signature. Should he veto, it is returned to both Houses where a two-thirds vote of each is needed to override the veto.

But the longer you are privileged to work at it, the more convinced you become that this country of ours is the most wonderful country in the world and the more earnestly you hope that you may be worthy to serve her.

NOVEMBER 18, 1961.

STANDING COMMITTEES OF THE HOUSE

Congressional sine die adjournment gives us all quite a chance to do other than the normal thing. So while I am about these other things wouldn't it be a good idea if I sent you short briefs about the committees that have the really heavy work of legislation? Here you are:

AGRICULTURE COMMITTEE

This committee consists of 35 members—21 Democrats and 14 Republicans. The current chairman is Representative HAROLD D. COOLEY, Democrat, of North Carolina. As the name implies, this committee handles all Federal legislation affecting agriculture, including price supports on major crops, soil conservation matters, soil bank payments, agriculture and industrial chemistry, agricultural colleges and experimental stations, research, extension services, production, marketing, and stabilization of farm products, animal industry and diseases, crop insurance, entomology, farm credit, forestry, home economics, livestock and meat products inspection and rural electrification.

APPROPRIATIONS COMMITTEE

The Appropriations Committee is the largest standing committee, consisting of 50 members—30 Democrats and 20 Republicans. The chairman is Representative CLARENCE CANNON, of Missouri. When this committee was established in 1865, it had charge of all Federal appropriations. Gradually, its jurisdiction was split among other committees until 1922, when all appropriation measures again were placed under its authority.

The Appropriations Committee handles the hundreds of agency requests through a series of subcommittees, which report to the full committee after hearings and examination of agency budgets. It appropriates funds for the support of the Government, conducts studies and examinations of the organization and operation of the executive departments and agencies, holds nationwide hearings and has subpena power for witnesses and documents, reviews appropriation requests by agencies and hears testimony of individuals and agency witnesses in support of budget requests.

ARMED SERVICES COMMITTEE

This committee which has 37 members—21 Democrats and 16 Republicans—was established by the 1946 Congressional Reorganization Act to take charge of activities affecting the Nation's defense efforts. The chairman is the Honorable CARL VINSON, of Georgia. The Armed Services Committee has jurisdiction over matters affecting the Department of Defense generally, the Army, the Navy, and the Air Force; ammunition depots, forts, arsenals, military reservations and establishments; the pay, promotion, retirement and other benefits and privileges of members of the Armed Forces; scientific research and development in support of the armed services; selective service; the size and composition of the Army, the Navy, and the Air Force; soldiers' and sailors' homes and strategic and critical materials necessary for national defense.

BANKING AND CURRENCY COMMITTEE

There are 30 members on the Banking and Currency Committee—18 Democrats and 12 Republicans. The current chairman is Representative BRENT SPENCE, of Kentucky. Established in 1865, this committee has extended its fields of jurisdiction as the Nation's money system became more complex. The Banking and Currency Committee handles matters involving the Nation's banking and currency; economic controls on commodity prices, rents and services in wartime; deposit insurance; the Federal Reserve System, financial aid to commerce and industry, coinage of gold and silver and measures affecting these minerals; issuance and redemption of Government notes, and public and private housing.

DECEMBER 2, 1961.

SECOND REPORT ON COMMITTEES

DISTRICT COMMITTEE

This committee often is referred to as the city council of Washington. It has 24 members—15 Democrats and 9 Republicans. The chairman is Representative JOHN L. MCMILLAN, of South Carolina. The District Committee handles all matters relative to municipal affairs of the District of Columbia, including incorporation and organization of societies, insurance, criminal and corporation laws, municipal and juvenile courts, public health and safety, and taxes.

EDUCATION AND LABOR COMMITTEE

This is another postwar committee, founded in 1947. It deals with the humanities legislation, covering the entire field of labor, such as Taft-Hartley and Landrum-Griffin laws, minimum wage, etc., as well as education bills, the school lunch program, vocational rehabilitation, and the welfare of minors. There are 31 members on the Education and Labor Committee—19 Democrats and 12 Republicans. The current chairman is Representative ADAM CLAYTON POWELL, of New York.

FOREIGN AFFAIRS COMMITTEE

As you know, this is the committee I have served on for 21 years. One of the truly venerable committees of the House, it was founded in 1822, and at one time had control of appropriations. There are 33 members of the Foreign Affairs Committee—20 Democrats and 13 Republicans. Our chairman is Representative THOMAS E. MORGAN, of Pennsylvania. The Foreign Affairs Committee studies relations of the United States with foreign nations; handles regulations affecting acquisition of land and buildings for foreign embassies and legations, foreign loans and grants, international conferences and congresses, the diplomatic corps; fosters foreign trade, the protection of American citizens abroad, passport regulations, the Red Cross, the United Nations, and international financial and monetary organizations.

GOVERNMENT OPERATIONS COMMITTEE

Established in 1952, this committee is one of the newest in the House. It consolidates the activities that were formerly handled by the Committee on Expenditures in the Executive Departments, which was set up in 1927. There are 30 members on this committee—19 Democrats and 11 Republicans. The chairman is Representative WILLIAM L. DAWSON, of Illinois. Originally, 11 separate committees did the work now done by the Government Operations Committee. It handles budget and accounting matters, bills affecting reorganization of the executive branch; receives and examines reports of the Comptroller General's Office; and checks economy and efficiency in the operation of the Federal Government. The committee can hold hearings anywhere in the United States with subpena power over witnesses and documents.

HOUSE ADMINISTRATION COMMITTEE

This committee is referred to as the "Housekeeping Committee" and handles allocation of funds appropriated by Congress for operation of the House of Representatives. There are 25 members on the committee—15 Democrats and 10 Republicans. The chairman is Representative OMAR BURLESON, of Texas. The House Administration Committee also handles affairs concerning the Library of Congress, the House Library, selection of stationery and pictures, the Botanic Gardens, the erection of monuments, the Smithsonian Institution, the printing and distribution of the CONGRESSIONAL RECORD, the assignment of office space, administration of House Office Buildings and the House wing of the Capitol, reports on travel by House Members, and handles enrollment of all bills, amendments, and joint resolutions after passage by the House and their presentation to the President.

DECEMBER 9, 1961.

(This is the third of my series concerning the various standing committees of the House of Representatives, their activities and functions)

INTERIOR AND INSULAR AFFAIRS COMMITTEE

In 1951 this committee received its present name, replacing the old Public Lands Committee, which was established in 1805. There are 31 members on the committee—18 Democrats and 13 Republicans. The chairman is Representative WAYNE ASPINALL, of Colorado. The Interior and Insular Affairs Committee considers matters relative to natural resources, Indians, national parks, irrigation and reclamation, mineral land laws, and matters pertaining to grazing and mineral resources on public lands.

INTERSTATE AND FOREIGN COMMERCE COMMITTEE

This committee handles legislation dealing with all types of commerce—travel, telephones, telegraph, the stock market, public health, weather reporting and forecasting, interstate business, civil aeronautics, inland waterways, interstate oil compacts and natural gas, railroad labor and retirement, regulation of interstate communications and interstate transmission of power. There are 33 members of this committee—20 Democrats and 13 Republicans. The chairman is Representative OREN HARRIS, of Arkansas.

JUDICIARY COMMITTEE

The Judiciary Committee handles matters affecting the courts, constitutional amendments, national holidays, immigration, patents, antitrust proceedings, civil and criminal claims against the Government, Federal penitentiaries, U.S. Patent Office, copyrights and trademarks, protection of commerce against unlawful restraints and monopolies, and revision of the U.S. statutes, and State and territorial boundaries. There are 35 members on the Judiciary Committee—21 Democrats and 14 Republicans. The chairman is Representative EMANUEL CELLER, of New York.

MERCHANT MARINE AND FISHERIES COMMITTEE

The Merchant Marine and Fisheries Committee has 31 members—19 Democrats and 12 Republicans. Its chairman is Representative HERBERT C. BONNER, of North Carolina.

This committee has legislative authority over shipping, the Coast Guard, fisheries and wildlife, navigation, the Panama Canal, the merchant marine, the Coast and Geodetic Survey, conservation of fish and wildlife resources, inspection of ships, administration of the Panama Canal, registering and licensing of vessels, international ship safety rules and regulations of the U.S. Coast Guard and Merchant Marine Academies.

POST OFFICE AND CIVIL SERVICE COMMITTEE

This committee handles bills affecting the 2.5 million Government employees, the 10-year census, postal services and operation of the Nation's 36,000 post offices, the National Archives, compensation, classification, and retirement of officers and employees of the U.S. Government. There are 25 members on the Post Office and Civil Service Committee—14 Democrats and 11 Republicans. Chairman is Representative TOM MURRAY, of Tennessee.

PUBLIC WORKS COMMITTEE

There are 34 members on the Public Works Committee—20 Democrats and 14 Republicans. The chairman is Representative CHARLES A. BUCKLEY, of New York. This committee handles matters pertaining to flood control, river and harbor improvements, highways, Government buildings, navigational projects and water power. Included in these fields are measures relating to the Capitol, Senate, and House Office Buildings, construction and maintenance of roads, the National Zoo, bridges, dams, and power projects.

DECEMBER 16, 1961.

(This is the fourth report of my series concerning the makeup of the standing committees of the House of Representatives)

RULES COMMITTEE

The Rules Committee is known as the "watchdog" committee, or the "traffic control" committee of the House. It sets up the rules under which the House considers legislation, such as whether or not amendments will be allowed and the length of time a bill shall be debated. It also has jurisdiction over propositions to make or change the rules of House final adjournment of the Congress. This year, as you will recall, this committee was enlarged from 12 to 15 members—10 Democrats to 5 Republicans. The Chairman is Representative HOWARD W. SMITH of Virginia.

SCIENCE AND ASTRONAUTICS COMMITTEE

Only 3 years old, this is the "space age" committee which handles matters pertaining to astronautical research and development, including resources, personnel, the Bureau of Standards, weights and measures and the metric system, the National Aeronautics and Space Administration, the National Science Foundation, outer space—including control and exploration, science scholarships, and scientific research and development. Representative GEORGE P. MILLER of California is chairman of the Science and Astronautics Committee and it has 25 members—15 Democrats and 10 Republicans.

UN-AMERICAN ACTIVITIES COMMITTEE

This committee investigates propaganda activities, subversion and un-American activities which attack the principle of the form of government guaranteed by the Constitution. It determines the extent, the character and object of such propaganda, of domestic or foreign origin. The committee reports to the House the results of its investigations, together with recommendations for remedial legislation. There are 9 members of the committee—5 Democrats and 4 Republicans. The chairman is Representative FRANCIS E. WALTER, of Pennsylvania; Representative GORDON SCHERER, of Cincinnati, is the ranking Republican member.

VETERANS' AFFAIRS COMMITTEE

This committee was established after World War II. Legislation pertaining to veterans was formerly handled by various other committees such as Education and Labor and Armed Services. The Veterans' Affairs Committee now handles matters pertaining to veterans' compensation, vocational rehabilitation and education of veterans, Government life insurance issued to servicemen, pensions, readjustment of servicemen to civilian life, soldiers' and sailors' relief, veterans' hospitals, and medical care and treatment of veterans. Representative OLIN TEAGUE, who is a veteran himself, is the committee chairman. There are 25 members—15 Democrats and 10 Republicans.

WAYS AND MEANS COMMITTEE

Founded in 1789, this is one of the oldest committees of the Congress. It is generally known as the tax committee and is responsible for all revenue and social security measures. It also handles matters pertaining to customs collection districts, ports of entry, reciprocal trade agreements, the bonded debt of the United States, deposit of public moneys and transportation of dutiable goods. There are 25 members on the committee—15 Democrats and 10 Republicans. Representative WILBUR D. MILLS, of Arkansas, is chairman.

RESTRICTIONS ON EARNINGS OF THOSE UNDER SOCIAL SECURITY SHOULD BE REMOVED

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, early in the last session of Congress I introduced H.R. 315, to remove the limitation upon the amount of outside income which an individual may earn while receiving social security benefits. My bill is still pending before the Ways and Means Committee. A column by Robert Peterson, which appeared in the Cleveland Plain Dealer of November 6, 1961, very clearly gives the reasons why the restrictions on earnings should be lifted. Under unanimous consent, I include the column in the RECORD as part of my remarks:

LIFE BEGINS AT 40—WANTS RESTRICTIONS ON EARNINGS LIFTED

(By Robert Peterson)

For years I've been trying to support Uncle Sam's contention that elders who earn more $1,200 a year should forfeit something from their social security checks.

I took my unpopular stand after going to Washington, digging into the facts and making an honest effort to understand the reasoning behind the social security law restricting the earnings of beneficiaries between the ages of 62 and 72.

Those with whom I talked reminded me that the social security program was not intended to serve those elders lucky and healthy enough to continue working. Instead, it was devised primarily to help those seniors who could no longer work.

Looking at it from that point of view there seemed to be merit in this law requiring that those healthy and active enough to earn more than a hundred a month should relinquish a bit of their social security.

CHANGES MIND

But I'm changing my mind. People have come to view their social security benefits as inalienable rights, and the law restricting their income has been held up to such ridicule and castigation that it has ceased to be regarded as a sound and worthy instrument.

Although I continue to respect the premise on which law was based, I think this earnings restriction should now be abolished for these reasons:

First, the reasoning behind this law is not easy to understand.

Second, it violates our traditions to be told that a man who retires can receive a pension while a man who has the spunk and will to continue working must forfeit all or part of such a pension.

IT'S UNSOUND

Third, it is discriminatory because the restriction applies only to earnings from employment rather than to income received from such sources as dividends or rentals.

Fourth, it is geriatrically unsound to do anything which discourages—rather than encourages—older people from working as long and as enthusiastically as they possibly can.

Of course, there are those who would like to abolish the entire social security program and who contend that people should stand on their own and provide for their own support in old age. But a large percentage of the population is simply unable to do this. Our social security program adopted in 1935 is here to stay.

The lawmakers say it will cost about $2 billion a year if the law is changed to remove restrictions on the earnings of social security recipients. But since this is obviously what people want let's trim the budget at some other point and permit the will of the majority to prevail.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. NORRELL (at the request of Mr. TRIMBLE) for today through January 20, 1962, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN for 10 minutes today, to revise and extend his remarks, and to include extraneous matter.

Mr. MEADER, for 30 minutes, tomorrow.

Mr. MEADER, for 10 minutes today, vacating his special order for Tuesday, January 16.

Mr. CURTIS of Missouri, for 15 minutes, today.

Mr. STAGGERS (at the request of Mr. ALBERT), for 5 minutes, today, and to revise and extend his remarks, and include extraneous matter.

Mr. PELLY (at the request of Mr. BARRY), for 20 minutes, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. REUSS and to include extraneous matter.

Mr. ASHMORE and include extraneous matter.

Mr. VAN ZANDT in two instances, in each to include extraneous matter.

Mr. DOOLEY in two instances and to include extraneous matter.

Mr. AUCHINCLOSS and to include a speech by Mr. SCHERER.

(The following Members (at the request of Mr. BARRY) and to include extraneous matter:)

Mr. DERWINSKI in three instances.

Mrs. DWYER.

Mr. ALGER.

Mr. PELLY.

Mr. GLENN.

Mr. BOW.

Mr. SHORT.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. HEALEY.

Mr. ZELENKO.

Mr. COHELAN.

Mr. BRADEMAS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1745. An act to amend the act of August 9, 1955, relating to the regulation of fares for the transportation of schoolchildren in the District of Columbia; to the Committee on the District of Columbia.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 43 minutes p.m.) the House adjourned until tomorrow, Tuesday, January 16, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1529. A letter from the national adjutant, Disabled American Veterans, transmitting reports and proceedings of the national gathering held in St. Louis, Mo., August 21–25, 1961, pursuant to Public Law 249, 77th Congress (H. Doc. No. 304); to the Committee on Veterans' Affairs.

1530. A letter from the Deputy Secretary of Defense, transmitting the Annual Report of the Secretary of Defense on the Reserve component of the Armed Forces for the fiscal year 1961, pursuant to section 279 of title 10, United States Code; to the Committee on Armed Services.

1531. A letter from the Secretary of the Air Force, transmitting the report of the Secretary of the Air Force on progress of the flight training program for the year 1961, pursuant to Public Law 879, 84th Congress; to the Committee on Armed Services.

1532. A letter from the Under Secretary of the Navy, transmitting reports by the Secretaries of the Army and Navy relating to officers above the rank of major in the Army and lieutenant commander in the Navy receiving monthly flight pay for the 6-month period ending December 31, 1961, pursuant to Public Law 301, 79th Congress; to the Committee on Armed Services.

1533. A letter from the Georgetown Barge, Dock, Elevator & Railway Co., transmitting the Annual Report of the Georgetown Barge, Dock, Elevator & Railway Co., for the year ending December 31, 1961, pursuant to the act incorporating said company; to the Committee on the District of Columbia.

1534. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a report on the state of the Nation's Capital to the Congress of the United States; to the Committee on the District of Columbia.

1535. A letter from the Assistant General Manager, U.S. Atomic Energy Commission, transmitting a report relating to foreign excess property disposed of during fiscal year 1961 by the Atomic Energy Commission, pursuant to section 404, 63 Stat. 398; 40 U.S.C. 514; to the Committee on Government Operations.

1536. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting a statement in writing exhibiting the several sums drawn by him pursuant to sections 78 and 80 of title 2, United States Code, the application and disbursement of the sums, and balances, if any, remaining in his hands, pursuant to title 2, United States Code 84; to the Committee on House Administration.

1537. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

1538. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of November 30, 1961, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

1539. A letter from the Chairman, Federal Power Commission, transmitting the Annual Report of the Federal Power Commission for the fiscal year ending June 30, 1961; to the Committee on Interstate and Foreign Commerce.

1540. A letter from the Chairman, Interstate Commerce Commission, transmitting the 75th Annual Report of the Interstate Commerce Commission to the Congress; to the Committee on Interstate and Foreign Commerce.

1541. A letter from the Chairman, Interstate Commerce Commission, transmitting copies of certain final valuations of properties of certain carriers, pursuant to section 19a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

1542. A letter from the clerk, U.S. Court of Claims, transmitting a statement of all judgments rendered by the U.S. Court of Claims for the year ended September 30, 1961, pursuant to section 791(c), title 28, United States Code; to the Committee on the Judiciary.

1543. A letter from the Navy Cross corporation agent, Legion of Valor, U.S.A., Inc., transmitting the financial statement of the Legion of Valor, U.S.A., Inc., covering the period from August 16, 1960 to July 31, 1961, pursuant to Public Law 224, 84th Congress; to the Committee on the Judiciary.

1544. A letter from the Maritime Administrator, Maritime Administration, Department of Commerce, transmitting the Annual Report of the Federal Maritime Board and Maritime Administration for the fiscal year 1961; to the Committee on Merchant Marine and Fisheries.

1545. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report relating to Civil Service Commission positions in grade GS–18, pursuant to Public Law 854, 84th Congress; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H.R. 9638. A bill to authorize the Secretary of the Interior to accept for administration under the act of August 25, 1916 (39 Stat. 535), as amended and supplemented, donations of encumbered lands; to the Committee on Interior and Insular Affairs.

By Mr. BERRY:

H.R. 9639. A bill to render Cuba refugees eligible for adjustment of status under section 245 of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

By Mrs. BLITCH:

H.R. 9640. A bill to provide that the lake formed and to be formed by the Walter F. George lock and dam on the Chattahoochee River, Ala. and Ga., shall be known and designated as Lake Roanoke; to the Committee on Public Works.

By Mr. BURKE of Massachusetts:

H.R. 9641. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and certain other expenses paid by him for the education of a dependent foreign student at a college or university in the United States; to the Committee on Ways and Means.

By Mr. DAGUE:

H.R. 9642. A bill to extend and amend the conservation reserve program; to the Committee on Agriculture.

By Mr. DULSKI:

H.R. 9643. A bill to increase annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. FISHER:

H.R. 9644. A bill to deny the use of the U.S. postal service for the carriage of Communist political propaganda; to the Committee on Post Office and Civil Service.

By Mrs. GREEN of Oregon:

H.R. 9645. A bill to provide a credit against the individual income tax for individuals who make contributions or gifts to the United Nations; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 9646. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use at the National Jamboree of the Boy Scouts of America to be held in 1964, and for other purposes; to the Committee on Armed Services.

By Mr. HARDING:

H.R. 9647. A bill to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEARNS:

H.R. 9648. A bill to amend the code of law of the District of Columbia with respect to the admission of persons to public exhibitions, shows, performances, or plays in the District of Columbia, to prohibit the radio or television broadcasting of certain objectionable matter, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAHON:

H.R. 9649. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, as amended; to the Committee on the Judiciary.

By Mr. NORBLAD:

H.R. 9650. A bill to authorize and direct the Secretary of the Navy to convey certain excess land together with all buildings and improvements thereon, formerly designated as the Columbia River Group, Pacific Re-

serve Fleet, Tongue Point, Astoria, Oreg., to Clatsop County, Oreg; to the Committee on Armed Services.

By Mr. OLSEN:

H.R. 9651. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PELLY:

H.R. 9652. A bill to make more uniform the laws governing the coastwise trade of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. PERKINS:

H.R. 9653. A bill to assist in the reduction of unemployment through the acceleration of capital expenditure programs of State and local public bodies; to the Committee on Education and Labor.

H.R. 9654. A bill to include the holders of star route and certain other contracts for the carrying of mail under the provisions of the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. PILCHER:

H.R. 9655. A bill to provide that the lake formed and to be formed by the Walter F. George lock and dam on the Chattahoochee River, Ala. and Ga., shall be known and designated as Lake Roanoke; to the Committee on Public Works.

By Mr. ROOSEVELT:

H.R. 9656. A bill to amend the Davis-Bacon Act, as amended; the Federal Airport Act, as amended; and the National Housing Act, as amended; and for other purposes; to the Committee on Education and Labor.

H.R. 9657. A bill to establish standards for hours of work and overtime pay of laborers and mechanics employed on work done under contract for, or with the financial aid of, the United States, for any territory, or for the District of Columbia, and for other purposes; to the Committee on Education and Labor.

By Mr. SLACK:

H.R. 9658. A bill to authorize the Secretary of Commerce, acting through the Coast and Geodetic Survey, to assist the States of Maryland, Pennsylvania, and West Virginia to reestablish their common boundaries, and for other purposes; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 9659. A bill to amend title 38, United States Code, to authorize the furnishing of hospital and medical care (including outpatient treatment) to peacetime veterans suffering from noncompensable service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. ZELENKO:

H.R. 9660. A bill to amend certain laws which apply in the District of Columbia in order to deny benefits under those laws to any corporation, group, society, association, or other organization which in its operation discriminates among individuals on the basis of race or color; to the Committee on the District of Columbia.

By Mr. BROYHILL:

H.R. 9661. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. FINO:

H.R. 9662. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. GILBERT:

H.R. 9663. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. KARTH:

H.R. 9664. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 9665. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. PRICE:

H.R. 9666. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H.R. 9667. A bill for the relief of Chu Hyoung Chun; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 9668. A bill for the relief of Maurice Diran Sobajian; to the Committee on the Judiciary.

By Mr. BURKE of Kentucky:

H.R. 9669. A bill for the relief of Molly Kwauk; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 9670. A bill for the relief of Minerva Mae Ryley; to the Committee on the Judiciary.

By Mr. DULSKI (by request):

H.R. 9671. A bill for the relief of Giovanni Battista Cammalleri; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 9672. A bill for the relief of Amedeo Mugno; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 9673. A bill for the relief of Mrs. Eurina P. Richards; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 9674. A bill for the relief of Sung Ae Kim; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 9675. A bill for the relief of Mrs. Leung Chi King; to the Committee on the Judiciary.

By Mr. MOORHEAD of Pennsylvania:

H.R. 9676. A bill for the relief of Eve Banasiak; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 9677. A bill for the relief of Mrs. Cecilia (Cecylia) Bonkowski Ruminska; to the Committee on the Judiciary.

By Mr. RIEHLMAN:

H.R. 9678. A bill for the relief of Carmine Trimarchi; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 9679. A bill for the relief of Hisoe Iwata; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 9680. A bill for the relief of Elizabeth Kolloian; to the Committee on the Judiciary.

H.R. 9681. A bill for the relief of William Bloom, also known as William Blake; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 9682. A bill for the relief of Julius Szlajmer; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 9683. A bill for the relief of Mrs. Lucine Broussalian; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

222. By Mr. CUNNINGHAM: Petition of 365 persons in several States urging the Congress of the United States to stop the Red mail subsidy; to the Committee on Post Office and Civil Service.

223. By Mrs. ST. GEORGE: Resolution of the New York Joint Legislative Committee on Interstate Cooperation; to the Committee on Public Works.

EXTENSIONS OF REMARKS

Address by Senator Kuchel Relating to Air Pollution

EXTENSION OF REMARKS

OF

HON. THOMAS H. KUCHEL

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, January 15, 1962

Mr. KUCHEL. Mr. President, last December 7, I made a speech at the University of Southern California in connection with the California State Department of Health weeklong seminar of air pollution.

I ask unanimous consent that a copy of the comments I made at that time be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMUNITY ACTION FOR CLEAN AIR

(Speech of THOMAS H. KUCHEL, U.S. Senator, before closing session of Fifth Annual Medical Conference on Air Pollution sponsored by the California State Department of Public Health, Thursday, December 7, 1961, at 1:15 p.m. in the Hancock Auditorium, University of Southern California, Los Angeles)

The obnoxious effects of the 20th century phenomenon known as smog have been realized for more than a decade and a half. The possibly dire consequences have been a subject of concern nearly that long.

As we take cognizance of those facts, we should recall that the first murky occurrences reported from Los Angeles in the hectic years of World War II were regarded for quite some time more as a topic for banter by comedians than as an ominous warning that the American people might have to pay a high price for the benefits of what we call technological advances in our mode of living and our economy.

During the subsequent period, the seriousness of air pollution has become more fully appreciated. The holding of a meeting such as this is a testimonial to an awareness in at least certain quarters that we cannot tolerate continued befouling of the atmosphere which is essential to human existence, let alone more contamination.

I can tell you—as one who has been in the forefront of efforts to obtain congressional appreciation for the importance of this curse—that it has not been easy to awaken persons not exposed to smog-caused misery and discomfort to the necessity of attacking it on varied and numerous fronts. Still, it is gratifying that since enactment of the Air Pollution Research Act, which I had the honor of introducing in Congress back in